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PART II

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Food and Drug Administration

Revision of Pesticide Regulations

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Revision of Part

Effective on the date of publication of this document in the FEDERAL REGISTER, Part 120 is revised to read as hereinafter set forth, and all prior amendments are hereby revoked.

This revision is made solely for editorial and codification purposes, and contains amendments and additions to this part up to and including November 26, 1962. No material changes are made in the text of the regulations. The major amendments are as follows:

1. All statements of policy relating to pesticides are transferred to Part 120. Specifically:

a. Section 3.47 is transferred to Part 120 as § 120.35.

b. Section 3.207 is transferred to Part 120 as § 120.147(b).

c. Section 3.208 is revoked.

2. Part 120 is divided into subparts.

3. All exempting regulations of this Part 120 are transferred to Subpart D thereof.

4. All tolerances in § 120.101 are transferred to existing or new sections in Subpart C specifically identified with the pesticide chemical involved.

As revised, Part 120 reads as follows:

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart A—Definitions and Interpretative Regulations

Sec.
120.1 Definitions and interpretations.
120.2 Pesticide chemicals considered safe.
120.3 Tolerances for related pesticide chemicals.
120.4 Certification of usefulness and residue estimate.
120.5 Zero tolerances.
120.6 [Reserved]

Subpart B—Procedural Regulations

PROCEDURE FOR FILING PETITIONS

120.7 Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.
120.8 Withdrawal of petitions without prejudice.
120.9 Substantive amendments to petitions.

ADVISORY COMMITTEES

120.10 Referral of petition to advisory committee.
120.11 Appointment of advisory committee.
120.12 Procedure for advisory committee.

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

120.13 Objections to regulations and requests for hearings.
120.14 Public hearings; notice.
120.15 Presiding officer.
120.16 Parties; burden of proof; appearances.
120.17 Prehearing and other conferences.
120.18 Submission of documentary evidence in advance.
120.19 Excerpts from documentary evidence.
120.20 Submission and receipt of evidence.
120.21 Transcript of the testimony.
120.22 Oral and written arguments.
120.23 Indexing of record.
120.24 Certification of record.
120.25 Filing the record of the hearing.
120.26 Copies of the record of the hearing.
120.27 Proposed order.
120.28 Final order.

ADOPTION OF TOLERANCE ON INITIATIVE OF COMMISSIONER OR ON REQUEST OF INTERESTED PERSONS; JUDICIAL REVIEW; TEMPORARY TOLERANCES; AMENDMENT AND REPEAL OF TOLERANCES; FEES

120.29 Adoption of tolerance on initiative of Commissioner or on request of an interested person.
120.30 Judicial review.
120.31 Temporary tolerances.
120.32 Procedure for amending and repealing tolerances or exemptions from tolerances.
120.33 Fees.
120.34 Tests on the amount of residue remaining.
120.35 Tests required to establish the safety of cholinesterase-inhibiting pesticides.
120.36 Further extension of effective date of statute for residues of certain nematocides, plant regulators, defoliants, and desiccants.
120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

Subpart C—Specific Tolerances

120.101 Specific tolerances; general provisions.
120.102 Sesone; tolerances for residues.
120.103 Captan; tolerances for residues.
120.104 Heptachlor and heptachlor epoxide; tolerances for residues.
120.105 Demeton; tolerances for residues.
120.106 Diuron; tolerances for residues.
120.107 Aramite; tolerances for residues.
120.108 Monuron; tolerances for residues.
120.109 Ethyl 4,4'-dichlorobenzilate; tolerances for residues.
120.110 Maneb; tolerances for residues.
120.111 Malathion; tolerances for residues.
120.112 Sulphenone (*p*-chlorophenyl phenyl sulfone); tolerances for residues.
120.113 Allethrin (allyl homolog of cinerin I); tolerances for residues.
120.114 Ferbam; tolerances for residues.
120.115 Zineb; tolerances for residues.
120.116 Ziram; tolerances for residues.
120.117 Chlortetracycline; tolerances for residues.
120.118 Dichlone; tolerances for residues.
120.119 EPN; tolerances for residues.
120.120 Methoxychlor; tolerances for residues.
120.121 Parathion or its methyl homolog; tolerances for residues.
120.122 Chlordane; tolerances for residues.
120.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.
120.124 Glyodin or 2-heptadecyl glyoxalidine (base); tolerances for residues.
120.125 Calcium cyanide; tolerances for residues.
120.126 Inorganic bromides resulting from soil treatment with ethylene dibromide; tolerances for residues.
120.127 Piperonyl butoxide; tolerances for residues.
120.128 Pyrethrins; tolerances for residues.
120.129 Sodium *o*-phenylphenate; tolerances for residues.
120.130 Hydrogen cyanide; tolerances for residues.
120.131 Endrin; tolerances for residues.
120.132 Thiram; tolerances for residues.
120.133 Lindane; tolerances for residues.
120.134 Ovex; tolerances for residues.
120.135 Aldrin; tolerances for residues.
120.136 Basic copper carbonate; tolerance for residues.
120.137 Dieldrin; tolerances for residues.
120.138 Toxaphene; tolerances for residues.
120.139 1,1-Dichloro-2,2-bis(*p*-ethylphenyl) ethane; tolerances for residues.
120.140 BHC; tolerances for residues.
120.141 Biphenyl; tolerances for residues.
120.142 2,4-D; tolerances for residues.
120.143 Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol; tolerances for residues.
120.144 Dinitro-*o*-cyclohexylphenol; tolerance for residues.
120.145 Fluorine compounds; tolerances for residues.
120.146 Inorganic bromides or total combined bromide resulting from fumigation with ethylene dibromide; tolerances for residues.
120.147 DDT; tolerances for residues.
120.147a DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn cannery waste; statement of policy and interpretation.
120.147b DDT residues in apple pomace.
120.148 Oxytetracycline; tolerance for residues.
120.149 Mineral oil; tolerances for residues.
120.150 Dalapon sodium salt; tolerances for residues.
120.151 Ethylene oxide; tolerances for residues.
120.152 Sodium dimethyldithiocarbamate; tolerance for residues.
120.153 *O,O*-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate; tolerances for residues.
120.154 *O,O*-Dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate; tolerances for residues.
120.155 α-Naphthalene acetic acid; tolerances for residues.

Sec.
120.156 Carbophenothion; tolerances for residues.
120.157 1 - Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer; tolerances for residues.
120.158 2,4 - Dichloro-6-o-chloroanilino-S-triazine; tolerances for residues.
120.159 Sodium dehydroacetate; tolerances for residues.
120.160 Mercaptobenzothiazole; tolerance for residues.
120.161 Manganous dimethyldithiocarbamate; tolerance for residues.
120.162 Tetraiodoethylene; tolerance for residues.
120.163 1,1-Bis(p-chlorophenyl)-2,2,2 - trichloroethanol; tolerances for residues.
120.164 Terpene polychlorinates; tolerance for residues.
120.165 2,4–D sodium salt; tolerance for residues.
120.166 Schradan; tolerance for residues.
120.167 Nicotine-containing compounds; tolerances for residues.
120.168 Chlorbenside; tolerances for residues.
120.169 1-Naphthyl N-methylcarbamate; tolerances for residues.
120.170 Phenothiazine; tolerances for residues.
120.171 2,3-p-Dioxanedithiol-S,S-bis (O,O-diethyl phosphorodithioate); tolerances for residues.
120.172 Dodine; tolerances for residues.
120.173 Ethion; tolerances for residues.
120.174 Tetradifon; tolerances for residues.
120.175 Maleic hydrazide; tolerances for residues.
120.176 [Reserved]
120.177 Ronnel; tolerances for residues.
120.178 Ethoxyquin; tolerances for residues.
120.179 Tartar emetic; tolerances for residues.
120.180 [Reserved]
120.181 CIPC; tolerance for residues.
120.182 Endosulfan; tolerances for residues.
120.183 O,O-Diethyl S-2-(ethylthio)ethyl phosphorodithioate; tolerances for residues.
120.184 [Reserved]
120.185 [Reserved]
120.186 Tributylphosphorotrithioite; tolerance for residues.
120.187 TDE (or DDD); tolerances for residues.
120.188 [Reserved]
120.189 O,O-Diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate; tolerances for residues.
120.190 Diphenylamine; tolerances for residues.
120.191 Folpet; tolerances for residues.
120.192 Calcium arsenate; tolerances for residues.
120.193 Copper arsenate; tolerances for residues.
120.194 Lead arsenate; tolerances for residues.
120.195 Magnesium arsenate; tolerance for residues.
120.196 Sodium arsenate; tolerance for residues.

Subpart D—Exemptions From Tolerances

120.1001 Exemptions from the requirement of a tolerance.
120.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.
120.1003 Ammonia; exemption from the requirement of a tolerance.
120.1004 Carbon disulfide; exemption from the requirement of a tolerance.
120.1005 Carbon tetrachloride; exemption from the requirement of a tolerance.

Sec.
120.1006 Organic bromide residues from ethylene dibromide; exemption from the requirement of a tolerance.
120.1007 Ethylene dichloride; exemption from the requirement of a tolerance.
120.1008 Chloropicrin; exemption from the requirement of a tolerance.
120.1009 Chloroform; exemption from the requirement of a tolerance.
120.1010 Methylene chloride; exemption from the requirement of a tolerance.
120.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.
120.1012 1,1,1-Trichloroethane; exemption from the requirement of a tolerance.
120.1013 Sulfur dioxide from use in fumigants for stored grains; exemption from the requirement of a tolerance.
120.1014 Pentane; exemption from the requirement of a tolerance.
120.1015 Sodium propionate; exemption from the requirement of a tolerance.
120.1016 Ethylene; exemption from the requirement of a tolerance.
120.1017 Diatomaceous earth; exemption from the requirement of a tolerance.

AUTHORITY: §§ 120.1 to 120.1017 issued under sec. 408, 68 Stat. 511; 21 U.S.C. 346a.

CROSS REFERENCES: For other regulations in this chapter concerning pesticides, see also § 1.12 (a) (3) and (f), and § 121.2.

Subpart A—Definitions and Interpretative Regulations

DEFINITIONS AND INTERPRETATIONS

§ 120.1 Definitions and interpretations.

(a) Secretary, without qualification, means the Secretary of Health, Education, and Welfare.

(b) Department, without qualification, means the Department of Health, Education, and Welfare.

(c) Commissioner means the Commissioner of Food and Drugs.

(d) Pesticide Branch means the unit established within the Food and Drug Administration charged with administration of the Pesticide Residue amendment to the Federal Food, Drug, and Cosmetic Act (section 408).

(e) Raw agricultural commodities include, among other things, fresh fruits, whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw or natural state, whether or not they have been stripped of their outer leaves, waxed, prepared into fresh green salads, etc.; grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods that have been processed, fabricated, or manufactured by cooking, freezing, dehydrating, or milling.

(f) Where raw agricultural commodities bearing residues that have been exempted from the requirement of a tolerance, or which are within a tolerance permitted under section 408 are used, the processed foods will not be considered unsafe within the meaning of section 406 if:

(1) The poisonous or deleterious pesticide residues have been removed to the extent possible in good manufacturing practice; and

(2) The concentration of the pesticide in the preserved or processed food when ready to eat is not greater than the tolerance permitted on the raw agricultural commodity.

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34(e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34(c)) crops shall not be grouped.

(h) Tolerances and exemptions established for pesticide chemicals in or on the general category of raw agricultural commodities listed in column A apply to the corresponding specific raw agricultural commodities listed in column B. However, a tolerance or exemption for a specific commodity in column B does not apply to the general category in column A.

A	*B*
Beans	Green beans, lima beans, navy beans, red kidney beans, snap beans, wax beans, cowpeas, blackeyed peas.
Celery	Anise (fresh leaves and stalks only), celery.
Cherries	Sour cherries, sweet cherries.
Citrus fruits	Grapefruit, lemons, limes, oranges, tangelos, tangerines, citrus citron, kumquats, and hybrids of these.
Melons	Cantaloups, casabas, crenshaws, honeydew melons, honey balls, muskmelons, Persian melons, and hybrids of these, watermelons and their hybrids.
Onions	Dry bulb onions, green onions, garlic, leeks, shallots, spring onions.
Onions (dry bulbs only)	Garlic, onions (dry bulb only).
Turnip tops or turnip greens.	Broccoli raab (raab, raab salad), turnip tops (turnip greens).

(i) Unless otherwise specified, tolerances and exemptions established under the regulations in this part apply to residues from only preharvest application of the chemical.

(j) Unless otherwise specified in this paragraph or in tolerance regulations prescribed in this part for specific pesticide chemicals, the raw agricultural commodity to be examined for pesticide residues shall consist of the whole raw agricultural commodity.

(1) The raw agricultural commodity bananas, when examined for pesticide residues, shall not include any crown tissue or stalk.

(2) Shell shall be removed and discarded from nuts before examination for pesticide residues.

(3) Caps (hulls) shall be removed and discarded from strawberries before examination for pesticide residues.

(4) Stems shall be removed and discarded from melons before examination for pesticide residues.

(5) Roots, stems, and outer sheaths (or husks) shall be removed and discarded from garlic bulbs, and only the garlic cloves shall be examined for pesticide residues.

(k) The term "pesticide chemical," as defined in § 201(q) of the act, means any substance which, alone, in chemical combination, or in formulation with one or more other substances, is an "economic poison" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) and as defined in § 362.2 of regulations for its enforcement (7 C.F.R. 362.2), as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

§ 120.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than ferrous sulfate, sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, and sodium polysulfide are not, for the purposes of section 408(a) of the act, generally recognized as safe for use.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408(a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408(g). (See § 120.11.)

§ 120.3 Tolerances for related pesticide chemicals.

(a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, many pesticide chemicals within each of the following groups have related pharmacological effects: Chlorinated organic pesticides, arsenic-containing chemicals, metallic dithiocarbamates, cholinesterase-inhibiting pesticides.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated organic pesticides) that may be present.

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(d)(1) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

(2) Where tolerances are established for residues of both *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate and demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio)ethyl phosphorothioates) on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as demeton.

(3) Where tolerances are established for both terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65 percent-66 percent chlorine) and toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

(4) Where a tolerance is established for more than one pesticide containing arsenic found in or on a raw agricultural commodity, the total amount of such pesticides shall not yield more than 3.5 parts per million of As_2O_3 on the raw agricultural commodity to which applied.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following pesticides are members of the class of dithiocarbamates:

Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following are members of the class of chlorinated organic pesticides:

Aldrin.
BHC (benzene hexachloride).
1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol.
Chlorbenside (*p*-chlorobenzyl *p*-chlorophenyl sulfide).
Chlordane.
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
2,4-D (2,4-dichlorophenoxyacetic acid).
DDD (TDE).
DDT.
1,1-Dichloro-2,2-bis(*p*-ethylphenyl) ethane.
Dieldrin.
Endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide).
Heptachlor (1,4,5,6,7,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene).
Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene).
Lindane.
Methoxychlor.
Ovex (*p*-chlorophenyl *p*-chlorobenzenesulfonate).
Sesone (sodium 2,4,-dichlorophenoxyethyl sulfate, SES).
Sodium 2,4-dichlorophenoxyacetate.
Sulphenone (*p*-chlorophenyl phenyl sulfone).
Terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes 65 percent–66 percent chlorine).
Tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone).
Toxaphene (chlorinated camphene).

(5) The following are members of the class of cholinesterase-inhibiting pesticides:

Carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate).
Demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-ethylthio) ethyl phosphorothioates).
O,O-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.
O,O-Diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate.
O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Dimethyl *S*-4-oxo-1,2,3-benzotriazin-3-(4H)-ylmethyl phosphorodithioate.
2,3-*p*-Dioxaredithiol *S,S*-bis (*O,O*-diethyl phosphorodithioate) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds.
EPN.
Ethion.
Malathion.
1-Methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer.
Methyl parathion.
1-Naphthyl *N*-methylcarbamate.
Parathion.
Ronnel.
Schradan (octamethylpyrophosphoramide).
Tributylphosphorotrithioite.

(6) The following compounds are members of the class of dinitro pesticides:

Dinitro-*o*-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol.

§ 120.4 Certification of usefulness and residue estimate.

The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed that figure which the Secretary of Agriculture states, in his opinion, reasonably reflects the amounts of residue likely to result.

§ 120.5 Zero tolerances.

A zero tolerance means that no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical in or on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm-blooded animals has not been reliably determined.

(b) The chemical is carcinogenic to or has other alarming physiological effects upon one or more of the species of the test animals used, when fed in the diet of such animals.

(c) The pesticide chemical is toxic, but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the raw agricultural commodity into interstate commerce.

§ 120.6 [Reserved]

Subpart B—Procedural Regulations

PROCEDURE FOR FILING PETITIONS

§ 120.7 Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.

(a) Petitions to be filed with the Department under the provisions of section 408(d) shall be submitted in duplicate to the Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees described in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408(d)(5) may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

(Date)

Pesticide Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

Dear Sirs:

The undersigned, ---, submits this petition pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the pesticide chemical ---.

Attached hereto, in duplicate and constituting a part of this petition, are the following:

A. The name, chemical identity, and composition of the pesticide chemical. (If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted. The submission of this information does not restrict the application of any tolerance or exemption granted to the specific formula(s) submitted.)

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

E. Practicable methods for removing residue that exceeds any proposed tolerance.

F. Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is (money order, bank draft, or certified check) for $---, payable to the Food and Drug Administration to cover clerical operations, initial administrative review, and the cost incurred in considering the petition after it has been filed.

Very truly yours,

(Petitioner)
Per ---

(Indicate authority)
Mail address ---

This petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

The data specified under the several lettered headings should be on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by reference to the earlier one.

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application for the registration of an economic poison containing the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act.

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408(d) are lacking or are not set forth so as to be readily understood. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify the petitioner within 15 days after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. Copy of the notice shall be sent to the Pesticides Regulation Division, Agricultural Research Service, Department of Agriculture. If accepted, the date of notification becomes the date of filing for the purposes of secton 408 (d)(1). If petitioner desires, he may supplement a deficient petition after notification as to deficiencies. Each supplement shall be accompanied by a deposit of fees as specified in § 120.33(e). If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. The Commissioner shall publish in the FEDERAL REGISTER within 30 days a notice of filing, name of petitioner, and a brief outline of the petition, including description of analytical method or reference to a publication in which it appears, if such publication is generally available.

(e) The Pesticide Branch may request a sample of the pesticide chemical at any time while a petition is under consideration. The Pesticide Branch shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical and of methods proposed by the petitioner for removing any residues of the chemical that exceed the tolerance proposed. The date used for computing the 90-day limit for the purposes of section 408(d)(2) shall be moved forward 1 day for each day in excess of 15 from the mailing date of the request taken by the petitioner to submit the sample. If the sample is not submitted within 180 days after mailing date of the request, the petition will be considered withdrawn without prejudice.

(2) Shell shall be removed and discarded from nuts before examination for pesticide residues.

(3) Caps (hulls) shall be removed and discarded from strawberries before examination for pesticide residues.

(4) Stems shall be removed and discarded from melons before examination for pesticide residues.

(5) Roots, stems, and outer sheaths (or husks) shall be removed and discarded from garlic bulbs, and only the garlic cloves shall be examined for pesticide residues.

(k) The term "pesticide chemical," as defined in § 201(q) of the act, means any substance which, alone, in chemical combination, or in formulation with one or more other substances, is an "economic poison" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) and as defined in § 362.2 of regulations for its enforcement (7 C.F.R. 362.2), as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

§ 120.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than ferrous sulfate, sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, and sodium polysulfide are not, for the purposes of section 408(a) of the act, generally recognized as safe for use.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408(a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408(g). (See § 120.11.)

§ 120.3 Tolerances for related pesticide chemicals.

(a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, many pesticide chemicals within each of the following groups have related pharmacological effects: Chlorinated organic pesticides, arsenic-containing chemicals, metallic dithiocarbamates, cholinesterase-inhibiting pesticides.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated organic pesticides) that may be present.

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(d)(1) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

(2) Where tolerances are established for residues of both *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate and demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio) ethyl phosphorothioates) on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as demeton.

(3) Where tolerances are established for both terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65 percent-66 percent chlorine) and toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

(4) Where a tolerance is established for more than one pesticide containing arsenic found in or on a raw agricultural commodity, the total amount of such pesticides shall not yield more than 3.5 parts per million of As_2O_3 on the raw agricultural commodity to which applied.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following pesticides are members of the class of dithiocarbamates:

Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following are members of the class of chlorinated organic pesticides:

Aldrin.
BHC (benzene hexachloride).
1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol.
Chlorbenside (*p*-chlorobenzyl *p*-chlorophenyl sulfide).
Chlordane.
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
2,4-D (2,4-dichlorophenoxyacetic acid).
DDD (TDE).
DDT.
1,1-Dichloro-2,2-bis(*p*-ethylphenyl) ethane.
Dieldrin.
Endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide).
Heptachlor (1,4,5,6,7,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene).
Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene).
Lindane.
Methoxychlor.
Ovex (*p*-chlorophenyl *p*-chlorobenzenesulfonate).
Sesone (sodium 2,4,-dichlorophenoxyethyl sulfate, SES).
Sodium 2,4-dichlorophenoxyacetate.
Sulphenone (*p*-chlorophenyl phenyl sulfone).
Terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes 65 percent–66 percent chlorine).
Tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone).
Toxaphene (chlorinated camphene).

(5) The following are members of the class of cholinesterase-inhibiting pesticides:

Carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate).
Demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-ethylthio) ethyl phosphorothioates).
O,O-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.
O,O-Diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate.
O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Dimethyl *S*-4-oxo-1,2,3-benzotriazin-3-(4H)-ylmethyl phosphorodithioate.
2,3-*p*-Dioxaredithiol *S,S*-bis (*O,O*-diethyl phosphorodithioate) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds.
EPN.
Ethion.
Malathion.
1-Methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer.
Methyl parathion.
1-Naphthyl *N*-methylcarbamate.
Parathion.
Ronnel.
Schradan (octamethylpyrophosphoramide).
Tributylphosphorotrithioite.

(6) The following compounds are members of the class of dinitro pesticides:

Dinitro-*o*-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol.

§ 120.4 Certification of usefulness and residue estimate.

The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed that figure which the Secretary of Agriculture states, in his opinion, reasonably reflects the amounts of residue likely to result.

§ 120.5 Zero tolerances.

A zero tolerance means that no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical in or on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm-blooded animals has not been reliably determined.

(b) The chemical is carcinogenic to or has other alarming physiological effects upon one or more of the species of the test animals used, when fed in the diet of such animals.

(c) The pesticide chemical is toxic, but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the raw agricultural commodity into interstate commerce.

§ 120.6 [Reserved]

Subpart B—Procedural Regulations

PROCEDURE FOR FILING PETITIONS

§ 120.7 Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.

(a) Petitions to be filed with the Department under the provisions of section 408(d) shall be submitted in duplicate to the Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees described in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408(d)(5) may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

(Date)

Pesticide Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D.C.

Dear Sirs:

The undersigned, ---, submits this petition pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the pesticide chemical ---.

Attached hereto, in duplicate and constituting a part of this petition, are the following:

A. The name, chemical identity, and composition of the pesticide chemical. (If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted. The submission of this information does not restrict the application of any tolerance or exemption granted to the specific formula(s) submitted.)

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

E. Practicable methods for removing residue that exceeds any proposed tolerance.

F. Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is (money order, bank draft, or certified check) for $------, payable to the Food and Drug Administration to cover clerical operations, initial administrative review, and the cost incurred in considering the petition after it has been filed.

Very truly yours,

(Petitioner)

Per ---

(Indicate authority)

Mail address ---

This petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

The data specified under the several lettered headings should be on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by reference to the earlier one.

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application for the registration of an economic poison containing the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act.

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408(d) are lacking or are not set forth so as to be readily understood. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify the petitioner within 15 days after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. Copy of the notice shall be sent to the Pesticides Regulation Division, Agricultural Research Service, Department of Agriculture. If accepted, the date of notification becomes the date of filing for the purposes of secton 408 (d)(1). If petitioner desires, he may supplement a deficient petition after notification as to deficiencies. Each supplement shall be accompanied by a deposit of fees as specified in § 120.33(e). If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. The Commissioner shall publish in the FEDERAL REGISTER within 30 days a notice of filing, name of petitioner, and a brief outline of the petition, including description of analytical method or reference to a publication in which it appears, if such publication is generally available.

(e) The Pesticide Branch may request a sample of the pesticide chemical at any time while a petition is under consideration. The Pesticide Branch shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical and of methods proposed by the petitioner for removing any residues of the chemical that exceed the tolerance proposed. The date used for computing the 90-day limit for the purposes of section 408(d)(2) shall be moved forward 1 day for each day in excess of 15 from the mailing date of the request taken by the petitioner to submit the sample. If the sample is not submitted within 180 days after mailing date of the request, the petition will be considered withdrawn without prejudice.

(f) The date of receipt from the Secretary of Agriculture of certification as to usefulness shall be the date used for computing the 90-day limit for the purposes of section 408(d)(2).

(g) Unless the petition is referred to an advisory committee, the Commissioner shall publish in the FEDERAL REGISTER within 90 days after receipt of the certification of usefulness, a regulation establishing a tolerance for residues of the pesticide chemical or exempting such residues from the necessity of a tolerance, as provided in section 408(d)(2) of the act.

§ 120.8 Withdrawal of petitions without prejudice.

In some cases the Pesticide Branch or an advisory committee to which the petition has been referred will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a tolerance or the tolerance requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal may be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling or the date of receipt of certification from the Secretary of Agriculture, whichever is later. A deposit for fees as specified in § 120.33(f) shall accompany the resubmission of the petition.

§ 120.9 Substantive amendments to petitions.

After a petition has been filed or referred to an advisory committee, the petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date or a new initial date of consideration by the advisory committee, and the time limitation will begin to run anew. The additional data shall be accompanied by a deposit of fees as specified in § 120.33(g).

ADVISORY COMMITTEES

§ 120.10 Referral of petition to advisory committee.

(a) If within the prescribed period a person filing a petition requests that the petition be referred to an advisory committee, he shall make such request in writing to the Commissioner and forward with such request an advance deposit for fees prescribed by § 120.33(i)(3).

(b) If further advance deposits are not made upon request of the Commissioner, as provided for in § 120.33(i)(3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days of the date on which the Commissioner requested the further advance deposit.

(c) In case the Commissioner on his own initiative deems it necessary to refer a petition to an advisory committee, he shall, in writing, so inform the person filing the petition.

§ 120.11 Appointment of advisory committee.

(a) Whenever the referral of a petition or proposal to an advisory committee is requested or the Commissioner otherwise deems such referral necessary, the Commissioner will request the National Academy of Sciences, National Research Council, to select qualified experts, including at least one representative from land-grant colleges, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to evaluate the safety of pesticide chemicals. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) Each advisory committee shall consist of not less than three experts, at least one of whom is a representative from a land-grant college. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports and other functions of the committee.

(c) The Commissioner shall appoint the experts so selected and fix their compensation at not to exceed the maximum permitted by other authority per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed the maximum per diem permitted by other authority.

§ 120.12 Procedure for advisory committee.

(a) The Commissioner shall submit to the chairman of the committee the petition for tolerances, together with certification by the Secretary of Agriculture and such other relevant, reliable information as may be available. When the Commissioner submits a proposal to an advisory committee, he shall inform the petitioner and furnish him with copies of material other than the petition and certification that is furnished the committee. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. Copy of this acknowledgement shall be forwarded to the petitioner by the chairman of the committee.

(b) A secretariat to advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of the proposal or petition, certification from the Secretary of Agriculture, and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D.C., or such other place as the Commissioner may designate. The Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable, but not later than 60 days after receipt of proposal or petition (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Commissioner the report of the committee, including any minority report, and shall return the petition for tolerances and the certification by the Secretary of Agriculture. The report will include copies of all revelant material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after a tolerance or exemption resulting from the petition is published.

(d) If at any time within 60 days, the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall make the certification contemplated by section 408(d)(3) of the act within the additional 30 days.

(e) The date of receipt of the committee report will be the date for computing time for the Commissioner to act for the purposes of both sections 408(d)(3) and (e).

(f) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion as to the member who may best represent the committe at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) Persons authorized under section 408(h) to discuss proposals or petitions with the committee shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

§ 120.13 Objections to regulations and requests for hearings.

(a) Objections under section 408(d)(5) shall be submitted in quintuplicate to the hearing clerk of the Department and shall be accompanied by a filing fee as specified in § 120.33(h). Each objec-

tion to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation; or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken; or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by certified mail, return receipt requested, to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

§ 120.14 Public hearing; notice.

If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed) show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of the notice) when the hearing will start. The hearing shall convene at the place and time announced in the notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

§ 120.15 Presiding officer.

The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations; to request the member of an advisory committee designated as provided by section 408(d)(5) to testify with respect to the report and recommendations of the committee; to rule upon offers of proof and admissibility of evidence; to receive relevant evidence; to examine witnesses; to regulate the course of the hearing; to hold conferences for the simplification of the issues, and to dispose of procedural requests; but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 120.16 Parties; burden of proof; appearances.

At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7(c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the appearance his interest in the proceedings and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file his appearance within the time prescribed in the absence of a clear showing of good cause why the appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 120.17 Prehearing and other conferences.

(a) The presiding officer, on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts and documents.

(3) The limitation of the number of expert witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order which recites the action taken at the conference, the agreements made by the parties or their representatives, and the schedule of witnesses, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 120.18 Submission of documentary evidence in advance.

(a) All documentary evidence to be offered at the hearing shall be submitted to the presiding officer and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 120.17, shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such document must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 120.19 Excerpts from documentary evidence.

When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 120.20 Submission and receipt of evidence.

(a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of

witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as exhibits the FEDERAL REGISTER promulgating the regulation to which objections were taken and any report, recommendations, underlying data, and reasons that were certified to the Secretary by an advisory committee pursuant to section 408(d)(3). The report, recommendations, underlying data, and reasons shall be subject to section 7(c) of the Administrative Procedure Act. All documents constituting the record accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk of the Department.

(f) The member of an advisory committee, if any, designated to testify, or any member requested to testify by the petitioner, the Department, or the presiding officer, or who upon his own initiative requests to be heard, shall appear and testify with respect to the report, recommendations, underlying data, and reasons of the committee. The designated member shall receive per diem and travel and subsistence expenses when incurred, as though he were attending a meeting of the advisory committee.

(g) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 120.21 Transcript of the testimony.

Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7(c), 60 Stat. 238; 5 U.S.C. 1006(c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 120.22 Oral and written arguments.

(a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 120.23 Indexing of record.

(a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 120.24 Certification of record.

At the close of the hearing, the presiding officer shall afford interested persons a short time (not longer than 1 week, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Commissioner.

§ 120.25 Filing the record of the hearing.

As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, and exhibits, and any written arguments that may have been filed.

§ 120.26 Copies of the record of the hearing.

The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 120.27 Proposed order.

As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall incorporate findings of fact, recommend decisions on the objections which were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief.

§ 120.28 Final order.

As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation.

ADOPTION OF TOLERANCE ON INITIATIVE OF COMMISSIONER OR ON REQUEST OF INTERESTED PERSONS; JUDICIAL REVIEW; TEMPORARY TOLERANCES; AMENDMENT AND REPEAL OF TOLERANCES; FEES

§ 120.29 Adoption of tolerance on initiative of Commissioner or on request of an interested person.

(a) Upon the request of an interested person (other than a person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135)) furnishing reasonable grounds therefor, and upon advance deposit to cover fees as prescribed in § 120.33, the Commissioner may propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such a tolerance or exemption from tolerance; information, if available, as to why registrant of the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act has not petitioned for a tolerance or exemption from a tolerance; and adequate data on subjects outlined in clauses (A), (B), (C), (D), (E), and (F) of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act. If the Commissioner concludes upon studying the request that it does not warrant a proposal for the issuance of a regulation, he shall so inform the person making the request and state the reasons for his decision.

(b) The notice of the proposal shall show whether it is made on the initiative of the Commissioner or at the request of an interested person, naming such person.

(c) If within 30 days after publication of the proposal a person who has regis-

tered, or who has submitted an application for registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests in writing that the proposal be referred to an advisory committee and makes advance deposit as provided by § 120.33(i)(3), the Commissioner shall appoint a committee as provided in § 120.11 and refer the proposal and relevant data to such committee. The Department and the committee shall proceed as prescribed in section 408 and this part.

(d) If further advance deposits are not made upon request of the Commissioner, as provided in § 120.33(i)(3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days from the date on which the Commissioner requested the further advance deposit.

§ 120.30 Judicial review.

(a) The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court the record on which the order of the Commissioner of Food and Drugs is based. The record shall be certified by the Commissioner.

(b) Before forwarding the record to the court the Department shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the record to the court.

§ 120.31 Temporary tolerances.

(a) A temporary tolerance (or exemption from a tolerance) established under authority of section 408(j) of the act shall be deemed to be a tolerance (or exemption from the requirement of a tolerance) for the purposes of section 408(a)(1) or (2) of the act.

(b)(1) A request for a temporary tolerance or a temporary exemption from a tolerance by a person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act shall be accompanied by a copy of such experimental permit, such data as are available on subjects outlined in clauses (A), (B), (C), (D), (E), (F), and (G) of section 408(d)(1), and an advance deposit to cover fees as provided in § 120.33(d).

(2) Before an experimental permit has been obtained, the Pesticide Branch upon request of the Department of Agriculture or a person who proposes to apply for an experimental permit will consider available data and discuss its adequacy for the purpose of justifying a tolerance or exemption from a tolerance.

(c) A notice of the issuance of a temporary tolerance outlining any restrictions as to use of the chemical imposed under the experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act may be published in the FEDERAL REGISTER if the Commissioner deems such publication desirable.

(d) A temporary tolerance or exemption from a tolerance may be issued for a period designed to allow the orderly marketing of the raw agricultural commodities produced while testing a pesticide chemical under an experimental permit issued under authority of the Federal Insecticide, Fungicide, and Rodenticide Act when the Commissioner concludes that the public health can be adequately protected during such marketing. A temporary tolerance or exemption from a tolerance may be revoked if the experimental permit is revoked, or may be revoked at any time if it develops that the application for a temporary tolerance contains a misstatement of a material fact or that new scientific data or experience with the pesticide chemical indicates that it may be hazardous to the public health.

§ 120.32 Procedure for amending and repealing tolerances or exemptions from tolerances.

(a) The Commissioner on his own initiative or on request from an interested person furnishing reasonable grounds therefor, may propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and accompanied by an advance deposit to cover fees as provided in § 120.33(d).

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its amendment or repeal. Evidence that a person has registered or has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that he has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the economic poison. New data should be furnished in the form specified in § 120.7(b) for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by section 408(e), beginning with the second sentence of that paragraph, and the regulations applicable to section 408 (d), (e), (f), and (g).

§ 120.33 Fees.

(a) Except as noted in paragraphs (b) and (c) of this section, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $2,500, plus $250 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested.

(b) Except as noted in paragraph (c) of this section, a petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of $3,750, plus $250 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a deposit of $250, plus $250 for each raw agricultural commodity on which a tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of $2,500, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of $250 for clerical handling and initial administrative review, plus $250 for each raw agricultural commodity on which the temporary tolerance is sought.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a $250 fee for clerical handling and initial administrative review, shall be returned unless the petitioner, indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of $250.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $750, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i.e., any substantive amendment) shall be accompanied by a deposit of $750 or by a deposit equal to the one originally submitted, whichever is smaller.

(h) Objections under section 408(d)(5) of the act shall be accompanied by a filing fee of $250.00.

(i) (1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Cost of the advisory committee, including expenses of the secretariat, will not exceed $75.00 per member per day plus cost of duplicating documents referred to the committee, plus necessary traveling and subsistence expenses of the members while they are serving away from their places of residence.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(j) The person who files a petition for judicial review of an order under section 408 (d)(5) or (e) of the act shall pay the costs of preparing the record on which the order is based.

(k) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D.C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D.C., whereupon after making appropriate record thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

(l) The Commissioner may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(m) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner to waive or refund the fees.

§ 120.34 Tests on the amount of residue remaining.

(a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemical is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity.

(b) The petition should establish the reliability of the residue data reported in it. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic), residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered as related for the purpose of paragraph (d) of this section. This grouping of crops does not affect the certification of usefulness by the Secretary of Agriculture as contemplated by section 408(l) of the act.

(1) Apples, crabapples, pears, quinces,

(2) Avocados, papayas.

(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.

(4) Blueberries, currants, gooseberries, huckleberries.

(5) Cherries, plums, prunes.

(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.

(7) Mangoes, persimmons.

(8) Peaches, apricots, nectarines.

(9) Beans, peas, soybeans (each in dry form).

(10) Beans, peas, soybeans (each in succulent form).

(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.

(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.

(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.

(14) Celery, fennel.

(15) Cucumbers, summer squash.

(16) Lettuce, endive (escarole), Chinese cabbage, salsify tops.

(17) Onions, garlic, leeks, shallots (green, or in dry bulb form).

(18) Potatoes, Jerusalem-artichokes, sweetpotatoes, yams.

(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.

(20) Tomatoes, eggplants, peppers, pimentos.

(21) Pecans, almonds, brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.

(22) Field corn, popcorn, sweet corn (each in grain form).

(23) Milo, sorghum (each in grain form).

(24) Wheat, barley, oats, rice, rye (each in grain form).

(25) Clovers, alfalfa, cowpea hay, lespedeza, lupines, peanut hay, pea-vine hay, soybean hay, vetch.

(26) Corn forage, sorghum forage.

(27) Sugarcane, cane sorghum.

§ 120.35 Tests required to establish the safety of cholinesterase-inhibiting pesticides.

(a) Recent experiments show that two cholinesterasi-inhibiting pesticides, when fed simultaneously to test animals, are far more toxic than the sum of their toxicities when they are fed separately. One potentiates the toxicity of the other. Preliminary studies indicate that similar potentiation of toxicity occurs with certain other combinations of cholinesterase-inhibiting pesticides; potentiation does not occur with some combinations. The data do not suggest a method for determining, without actual testing, when such potentiation will occur. Until other procedures are developed, the toxic effect of each combination of cholinesterase-inhibiting pesticides must be determined by testing the combination on animals.

(b) In considering a petition for a tolerance or tolerances for a cholinesterase-inhibiting pesticide, the Food and Drug Administration will require experimental evidence showing the toxicity of the compound when fed to test animals with each of the other cholinesterase-inhibiting pesticides that has a tolerance at that time. This requirement will be relaxed if additional scientific evidence shows such action can be taken without hazard to the public health.

§ 120.36 Further extension of effective date of statute for residues of certain nematocides, plant regulators, defoliants, and desiccants.

(a) All extensions of the effective date of Public Law 86–139 (73 Stat. 286, 288; 21 U.S.C., note under sec. 342) are limited to those specified in § 120.37.

(b) Legal action will not be instituted against raw agricultural commodities under section 408 of the act before July 1, 1961, involving residues of any of these pesticide chemicals for which an extension request was pending before the Commissioner prior to March 6, 1961, unless the Commissioner denies the request prior to July 1, 1961.

(c) The Commissioner will immediately entertain requests for extensions beyond July 1, 1961, where the following data are submitted:

(1) The specific name (not trade name) or chemical designation of the substance involved, the specific use or uses for which an extension is desired, and the amount and purpose of the substance involved in each such usage.

(2) A statement detailing actions taken and dates thereof to determine the applicability of the amendment to such use or uses or to develop the scientific data necessary for action, together with the results of such actions to date.

(3) A statement outlining additional work in progress, detailing its nature, when started, by whom it is being conducted, and the results to date.

(4) A statement of the amount of time for which further extension is needed. (Include only the time expected to be needed to determine whether a tolerance or exemption from tolerance is needed or to submit a petition for an appropriate tolerance to the Food and

Drug Administration. Do not include any estimated time for processing a petition by the Food and Drug Administration. While the statute includes a cutoff date of June 30, 1964, it is expected that only in a limited number of cases will the effective date be extended that long.)

(d) Requests for extension may be submitted by any interested person who has the necessary facts, whether or not he obtained or requested the extension previously.

(e) Any extensions granted beyond January 1, 1962, will be conditioned upon a requirement that the Commissioner be supplied with progress reports at 6-month intervals. Failure to submit such progress reports will be grounds for termination of any extension granted.

(f) If any of the information described in this section is included in petitions for pesticide tolerances already submitted to the Commissioner, this information may be incorporated by reference.

(g) Decisions on requests for further extensions, including the amount of time for which such extension is granted, will be published in the FEDERAL REGISTER. All requests for extensions should be addressed to the Commissioner of Food and Drugs, Food and Drug Administration, Washington 25, D.C.

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

On the basis of data supplied in accordance with § 120.36 and findings that no undue risk to the public health is involved; that conditions exist that make necessary the prescribing of an additional period of time for establishing tolerances or exemptions from the requirement of tolerances; that bona fide action to determine the applicability of section 408 or develop the scientific data necessary for action under such section was commenced before March 6, 1961, and has been thereafter pursued with reasonable diligence; that such extension is consistent with the objective of carrying to completion in good faith the scientific investigations necessary on a basis for action under such section; and conditioned upon the requirement that progress reports be supplied at 6-month intervals for extensions granted beyond January 1, 1962, the following substances may be used on food, under specified conditions and for the specified period of time, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 408 of the act, whichever occurs first:

Product	Specified uses or restrictions	Effective date of statute extended to—
Arsenic acid	On cotton to defoliate	Jan. 1, 1963
p-Chlorophenoxyacetic acid	On bean seeds in sprout production to eliminate embryonic roots development.	Jan. 1, 1964
Do	On cane berries and grapes to produce larger fruit	Do.
Do	On figs to produce large seedless fruit	Do.
1,2-Dibromo-3-chloropropane	Soil fumigant for nematodes	Jan. 1, 1963
2,4-D (2,4-dichlorophenoxyacetic acid)	On potatoes to intensify color	Jan. 1, 1964
Methyl ester of naphthaleneacetic acid	On potatoes to inhibit sprouting	Do.
α-Naphthalene acetic acid or its ammonium salt	On olives to reduce fruit set	Jan. 1, 1963
β-Naphthoxyacetic acid	On strawberries to stimulate growth	Do.
Pentachlorophenol	On cotton and soybeans as a defoliant	Do.
Sodium chlorate with added sodium metaborate.	On rice and sorghum (milo) as a desiccant	July 1, 1963
Sodium salt of β-naphthoxyacetic acid	On pineapples to delay maturation	Do.
2,3,5,6-Tetrachloronitrobenzene	On potatoes to inhibit sprouting	June 30, 1964
2,4,5-Trichlorophenoxyacetic acid or its butyl ester.	On grapefruit to increase size and control fruit drop	July 1, 1963
2,4,5-Trichlorophenoxyacetic acid or its triethylamine salt.	On apricots to improve color and control fruit drop	Jan. 1, 1964

Subpart C—Specific Tolerances

§ 120.101 Specific tolerances; general provisions.

(a) The tolerances established for pesticide chemicals in this Subpart C apply to residues resulting from their application prior to harvest or slaughter, unless otherwise stated. Tolerances are expressed in terms of parts by weight of the pesticide chemical per one million parts by weight of the raw agricultural commodity.

(b) The poisonous and deleterious substances for which tolerances are established by the regulations in this Subpart C are named by their common names wherever practicable, otherwise by their chemical names.

(c) Residues of the following pesticide chemicals should not remain on raw agricultural commodities as prepared for market:

Calcium cyanide.
Dinitro-o-sec butylphenol.
Dinitro-o-sec cresol.
Hexaethyl tetraphosphate.
Tetraethyl pyrophosphate.
Hydrocyanic acid.
Mercury-containing compounds.
Selenium and selenium compounds.

(d) Tolerances are not needed for those pesticides applied only to the foliage of potatoes and sweetpotatoes and which are not translocated to the tubers.

§ 120.102 Sesone; tolerances for residues.

The following tolerances are established for residues of the herbicide sesone (sodium 2,4-dichlorophenoxyethyl sulfate) in or on the raw agricultural commodities indicated:

6 parts per million in or on potatoes, peanuts, peanut hulls, peanut hay.

2 parts per million in or on asparagus, strawberries.

§ 120.103 Captan; tolerances for residues.

Tolerances of 100 parts per million are established for residues of the fungicide captan (*N*-trichloromethyl mercapto-4-cyclohexene-1,2-dicarboximide) in or on the following raw agricultural commodities from preharvest or postharvest uses or combinations of such uses: Almonds, almond hulls, apples, apricots, avocados, beans (dry and succulent forms), beets (garden) roots, beets (garden) tops, beets (sugar) roots, beets (sugar) tops, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, cantaloup, carrots (roots), cauliflower, celery, cherries, Chinese cabbage, citrus citron, collards, cottonseed, crabapples, cranberries, cucumbers, dandelion, dewberries, eggplants, endive (escarole), fennel, garlic, grapefruit, grapes, horseradish (roots), kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, honeydew melons, muskmelons, mustard greens, nectarines, onions (dry bulb), onions (green), oranges, parsley, parsnips (roots), peaches, pears, peas (dry and succulent forms), peppers, pimentos, pineapple, plums (fresh prunes), popcorn (grain form), potatoes, pumpkins, quinces, radishes (roots), raspberries, rhubarb, romaine, rutabagas (roots), salsify (roots), salsify (tops), shallots, soybeans (dry and succulent forms), spinach, strawberries, summer squash, sweet corn (kernels plus cob with husk removed), Swiss chard, tangelos, tangerines, tomatoes, turnips (roots), turnips (tops), watercress, watermelon, winter squash.

§ 120.104 Heptachlor and heptachlor epoxide; tolerances for residues.

Tolerances for total residues of the insecticide heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene) and its oxidation product heptachlor epoxide (1,4,5,6,7,8,8-heptachloro - 2,3 - epoxy - 2,3,3a,4,7,7a - hexahydro-4,7-methanoindene) from application of heptachlor in or on raw agricultural commodities are established as follows:

0.1 part per million in or on cabbage, lettuce, rutabagas, snap beans.

Zero in or on alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, carrots, cauliflower, cherries, clover, corn, cottonseed, cowpeas, grain sorghum (milo), grapes, grass (pasture and range), kohlrabi, lima beans, meat, milk, oats, onions, peaches, peanuts, peas, pineapple, potatoes, radishes, rye, sugarcane, sweet clover, sweetpotatoes, tomatoes, turnips (including tops), wheat.

§ 120.105 Demeton; tolerances for residues.

Tolerances for residues of the insecticide demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio)ethyl phosphorothioates) in or on raw agricultural commodities are established as follows:

12 parts per million in or on alfalfa hay, clover hay.

5 parts per million in or on almond hulls, barley (green fodder and straw),

fresh alfalfa, fresh clover, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw).

1.25 parts per million in or on grapes, hops.

0.75 part per million in or on almonds, apples, apricots, barley grain, broccoli, brussels sprouts, cabbage, cauliflower, celery, cottonseed, grapefruit, lemons, lettuce, muskmelons, oat grain, oranges, peaches, pears, peas, pecans, peppers, plums (fresh prunes), potatoes, strawberries, tomatoes, walnuts, wheat grain.

0.5 part per million in or on sugar beets.

0.3 part per million in or on beans.

§ 120.106 Diuron; tolerances for residues.

Tolerances for residues of the herbicide diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on raw agricultural commodities are established as follows:

2 parts per million in or on alfalfa, bird's-foot trefoil (hay, forage), corn fodder or forage (including sweet corn, field corn, popcorn), grass crops (grass hay), wheat hay, wheat forage, wheat straw.

1 part per million in or on citrus fruits, corn in grain or ear form (including sweet corn, field corn, popcorn), cottonseed, grapes, pineapple, potatoes, sugarcane, wheat grain.

§ 120.107 Aramite; tolerances for residues.

A tolerance of zero is established for residues of the insecticide Aramite (2-(*p-tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite) in or on each of the following raw agricultural commodities: Alfalfa, apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, soybeans (whole plant), strawberries, sweet corn (kernels) and forage thereof, tomatoes, watermelons.

§ 120.108 Monuron; tolerances for residues.

Tolerances for residues of the herbicide monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) are established in or on raw agricultural commodities as follows:

7 parts per million in or on asparagus.

1 part per million in or on avocados, citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

§ 120.109 Ethyl 4,4'-dichlorobenzilate; tolerances for residues.

A tolerance of 5 parts per million is established for residues of the insecticide ethyl 4,4'-dichlorobenzilate (Chlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, grapefruit, lemons, oranges, pears, tangerines.

§ 120.110 Maneb; tolerances for residues.

Tolerances for residues of the fungicide maneb (manganous ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established in or on raw agricultural commodities, as follows:

15 parts per million in or on bananas, of which not more than 2 parts per million shall be in the pulp after peel is removed and discarded. The tolerance applies to accumulative residues from both preharvest and postharvest use.

10 parts per million in or on apricots, beans (succulent form), broccoli, brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, endive (escarole), kale, kohlrabi, lettuce, mustard greens, nectarines, peaches, rhubarb, spinach, turnip tops.

7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, pumpkins, summer squash, sweet corn (kernels plus cob with husks removed), tomatoes, turnip roots, winter squash.

0.1 part per million in or on almonds, potatoes.

§ 120.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

From preharvest application: 8 parts per million in or on alfalfa, apples, apricots, asparagus, avocados, barley, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, clover, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), figs, garlic, gooseberries, grapefruit, grapes, grass, grass hay, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, oats, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, pea vines, pea vine hay, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rice, rutabagas, rye, salsify (including tops), shallots, spearmint, spinach, squash (both summer and winter squash), strawberries, Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), walnuts, watercress, wheat.

From postharvest application: 8 parts per million in or on peanuts (determined on the nuts after shell is removed and discarded) and the following grains: Barley, corn, oats, rice, rye, sorghum, wheat.

From preslaughter application: 4 parts per million in or on meat and meat byproducts from cattle, goats, hogs, horses, poultry, or sheep. The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

From preharvest application: 2 parts per million in or on corn (kernels plus cob with husk removed), cottonseed.

Zero in eggs, milk.

Where tolerances are established in this section for residues of malathion from both preharvest and postharvest application to the same commodity, the accumulative residues on the commodity from both shall not exceed the tolerance for residues from postharvest application.

§ 120.112 Sulphenone (*p*-chlorophenyl phenyl sulfone); tolerances for residues.

A tolerance of 8 parts per million for residues of the insecticide Sulphenone (*p*-chlorophenyl phenyl sulfone) is established in or on each of the following raw agricultural commodities: Apples, peaches, pears.

§ 120.113 Allethrin (allyl homolog of cinerin I); tolerances for residues.

Tolerances are established for residues of the insecticide allethrin (allyl homolog of cinerin I) as follows:

4 parts per million from postharvest use in or on the following raw agricultural commodities: Apples, blackberries, blueberries (huckleberries), boysenberries, cherries, crabapples, currants, dewberries, figs, gooseberries, grapes, guavas, loganberries, mangoes, muskmelons, oranges, peaches, pears, pineapples, plums (fresh prunes), raspberries, tomatoes.

2 parts per million from postharvest use in or on the following grains: Barley, corn, grain sorghum, milo, oats, rye, wheat.

§ 120.114 Ferbam; tolerances for residues.

Tolerances for residues of the fungicide ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on raw agricultural commodities are established as follows:

[1] 7 parts per million in or on apples, apricots, asparagus, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysonberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, collards, corn, cranberries, cucumbers, currants, dates, dewberries, eggplants, gooseberries, grapes, guavas, kale, kohlrabi, lettuce, loganberries, mangoes, melons, mustard greens, nectarines, onions, papayas, peaches, peanuts, pears, peas, peppers, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

0.1 part per million in or on almonds.

§ 120.115 Zineb; tolerances for residues.

Tolerances for residues of the fungicide zineb (zinc ethylenebisdithiocarbamate) in or on raw agricultural commodities are established as follows:

60 parts per million in or on hops.

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[1] Some of these tolerances were established on the basis of data acquired at the public hearings held in 1950 (formerly § 120.101) and the remainder were established on the basis of pesticide petitions presented under the procedure specified in the amendment to the Federal Food, Drug, and Cosmetic Act by Public Law 518, 83d Congress (68 Stat. 511).

25 parts per million in or on beet tops, Chinese cabbage, collards, endive (escarole), kale, lettuce, mustard greens, romaine, spinach, Swiss chard.

[2] 7 parts per million in or on apples, apricots, beans, beets (garden roots only), blackberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, citrus fruits, corn, cranberries, cucumbers, currants, dewberries, eggplants, gooseberries, grapes, guavas, kohlrabi, loganberries, melons, mushrooms, nectarines, onions, parsley, peaches, peanuts, pears, peas, peppers, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, salsify, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

1 part per million in or on wheat.

§ 120.116 Ziram; tolerances for residues.

Tolerances for residues of the fungicide ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on raw agricultural commodities are established as follows:

[2] 7 parts per million in or on apples, apricots, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, collards, cranberries, cucumbers, dewberries, eggplants, gooseberries, grapes, kale, kohlrabi, lettuce, loganberries, melons, nectarines, onions, peaches, peanuts, pears, peas, peppers, pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

0.1 part per million in or on almonds, pecans.

§ 120.117 Chlortetracycline; tolerances for residues.

Tolerances are established for residues of the antibacterial agent chlortetracycline as follows:

7 parts per million in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

5 parts per million in or on fish (vertebrate), scallops (shucked), shrimp (unpeeled), from application for retardation of spoilage to whole, headed or gutted fish (vertebrate); scallops (shucked); shrimp (unpeeled); each in fresh, uncooked unfrozen form.

(See also §§ 121.205, 121.206, 121.208, 121.213, 121.225, 121.1014, and 146.26.)

§ 120.118 Dichlone; tolerances for residues.

Tolerances for residues of the fungicide dichlone (2,3-dichloro-1,4-naphthoquinone) are established as follows:

15 parts per million in or on strawberries.

3 parts per million in or on apples, beans, celery, cherries, peaches, plums (fresh prunes), tomatoes.

§ 120.119 EPN; tolerances for residues.

Tolerances for residues of the insecticide EPN (*O*-ethyl-*O*-*p*-nitrophenyl benzene thiophosphonate) in or on raw agricultural commodities are established as follows:

[2] 3 parts per million in or on apples, apricots, beans, beets (with or without tops) or beet greens alone, blackberries, boysenberries, cherries, citrus fruits, corn, dewberries, grapes, lettuce, loganberries, nectarines, olives, peaches, pears, pineapples, plums (fresh prunes), quinces, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, strawberries, sugar beets (but not sugar beet tops), tomatoes, turnips (with or without tops) or turnips greens, youngberries.

0.5 part per million in or on almonds, cottonseed, pecans, walnuts.

§ 120.120 Methoxychlor; tolerances for residues.

Tolerances are established for residues of the insecticide methoxychlor (2,2-bis (*p*-methoxyphenyl) - 1,1,1 - trichloroethane) as follows:

100 parts per million in or on alfalfa, clover, cowpeas, grass for forage, peanut forage, soybean forage.

[2] 14 parts per million in or on apples, apricots, asparagus, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, cherries, collards, corn, cranberries, cucumbers, currants, dewberries, eggplants, gooseberries, grapes, kale, kohlrabi, lettuce, loganberries, melons, mushrooms, nectarines, peaches, peanuts, pears, peas, peppers, pineapples, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

3 parts per million in or on the fat of meat from cattle, goats, hogs, horses, or sheep.

2 parts per million in or on the following grains from storage-bin treatment: Barley, corn, oats, rice, rye, sorghum grain, wheat.

Zero in milk.

§ 120.121 Parathion or its methyl homolog; tolerances for residues.[2]

A tolerance of 1 part per million is established for residues of the insecticide parathion (*O,O*-diethyl *O*-*p*-nitrophenyl thiophosphate) in or on each of the following raw agricultural commodities: Alfalfa, apples, apricots, artichokes, avocados, barley, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, citrus fruits, clover, collards, corn, corn forage, cranberries, cucumbers, currants, dates, dewberries, eggplants, endive (escarole), figs, garlic, gooseberries, grapes, grass for forage, guavas, hops, kale, kohlrabi, lettuce, loganberries, mangoes, melons, mustard greens, nectarines, oats, okra, olives, onions, parsnips (with or without tops) or parsnip greens alone, peaches, pea forage, peanuts, pears, peas, peppers, pineapples, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rice, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, Swiss chard, tomatoes, turnips (with or without tops) or turnip greens, vetch, wheat, youngberries.

Where a tolerance is established in this section for parathion, the methyl homolog of parathion may replace all or part of the parathion permitted by such tolerance.

§ 120.122 Chlordane; tolerances for residues.[2]

A tolerance of 0.3 part per million is established for residues of the insecticide chlordane (1,2,4,5,6,7,8,8,-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene) in or on each of the following raw agricultural commodities: Apples, apricots, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, citrus fruits, collards, corn, cucumbers, dewberries, eggplants, grapes, kale, kohlrabi, lettuce, loganberries, melons, nectarines, okra, onions, papayas, peaches, peanuts, pears, peas, peppers, pineapples, plums (fresh prunes), potatoes, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, squash, strawberries, summer squash, sweetpotatoes, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

§ 120.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities that have been fumigated with the antimicrobial agent and insecticide methyl bromide after harvest (with the exception of strawberries) are established as follows:

240 parts per million in or on popcorn.

200 parts per million in or on almonds, brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

100 parts per million in or on copra.

100 parts per million in or on asparagus from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

75 parts per million in or on potatoes, sweetpotatoes.

75 parts per million in or on avocados from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

50 parts per million in or on alfalfa hay, barley, beans, beans (green), beans

[2] See footnote on p. 12102.

(lima), beans (snap), black-eyed peas, cipollini bulbs, cocoa beans, corn, garlic, grain sorghum (milo), oats, peas (with pods), rice, rye, sweet corn (determined on kernels plus cob with husk removed), wheat.

50 parts per million in or on cabbage from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

30 parts per million in or on garden beets (roots), carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem-artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, rutabagas, salsify roots, strawberries (from use before harvest), sugar beets (roots), summer squash, tangelos, tangerines, turnips (roots), yams.

20 parts per million in or on apricots, cantaloups, cherries, eggplants, grapes, honeydew melons, mangoes, muskmelons, nectarines, onions, papayas, peaches, pineapples, plums (fresh prunes), pumpkins, tomatoes, watermelons, winter squash, zucchini squash.

5 parts per million in or on apples, pears, quinces.

§ 120.124 Glyodin or 2-heptadecyl glyoxalidine (base); tolerances for residues.[2]

A tolerance of 5 parts per million is established for residues of the fungicide glyodin (2-heptadecyl glyoxalidine acetate) or 2-heptadecyl glyoxalidine (base)) in or on each of the following raw agricultural commodities: Apples, blackberries, boysenberries, cherries, dewberries, loganberries, peaches, pears, quinces, raspberries, youngberries.

§ 120.125 Calcium cyanide; tolerances for residues.

A tolerance of 25 parts per million is established for residues of the insecticide calcium cyanide from postharvest application, calculated as hydrogen cyanide, in or on each of the following grains: Barley, buckwheat, corn, oat, rice, rye, sorghum, wheat.

§ 120.126 Inorganic bromides resulting from soil treatment with ethylene dibromide; tolerances for residues.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil treated with the nematocide ethylene dibromide are established as follows:

75 parts per million in or on broccoli, carrots (with or without tops), melons, parsnips, potatoes.

50 parts per million in or on eggplant, okra, summer squash, sweet corn, sweet corn forage, sweetpotatoes, tomatoes.

40 parts per million in or on pineapple.

30 parts per million in or on cucumbers, lettuce, peppers.

25 parts per million in or on cottonseed.

10 parts per million in or on asparagus, cauliflower.

5 parts per million in or on lima beans, strawberries.

[2] See footnote on p. 12102.

§ 120.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

20 parts per million in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, wheat.

8 parts per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

§ 120.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

3 parts per million in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, wheat.

1 part per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

§ 120.129 Sodium *o*-phenylphenate; tolerances for residues.

Tolerances are established as follows for residues of the fungicide sodium *o*-phenylphenate, expressed as *o*-phenylphenol, from postharvest application:

125 parts per million in or on cantaloups, of which not more than 10 parts per million shall be in the edible portion.

25 parts per million in or on apples, pears.

20 parts per million in or on peaches.

15 parts per million in or on sweetpotatoes.

10 parts per million in or on citrus citron, grapefruit, kumquats, lemons, limes, oranges, pineapples, tangelos, tangerines.

10 parts per million (including residues from direct application of *o*-phenylphenol) in or on tomatoes.

5 parts per million in or on cherries, nectarines.

§ 120.130 Hydrogen cyanide; tolerances for residues.

Tolerances for residues of the insecticide hydrogen cyanide from postharvest fumigation are established as follows:

250 parts per million in or on the following spices: Allspice, anise, basil, bay, black pepper, caraway, cassia, celery seed, chili, cinnamon, cloves, coriander, cumin, dill, ginger, mace, marjoram, nutmeg, oregano, paprika, poppy, red pepper, rosemary, sage, savory, thyme, tumeric, white pepper.

100 parts per million in or on barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, wheat.

25 parts per million in or on almonds, beans (dried), cashews, cocoa beans, peanuts, peas (dried), pecans, sesame, walnuts.

§ 120.131 Endrin; tolerances for residues.

A tolerance of zero is established for residues of the insecticide endrin in or on each of the following raw agricultural commodities: Cabbage, cottonseed, cucumbers, eggplant, peppers, potatoes, sugar beets, sugar beet tops, summer squash, and tomatoes.

§ 120.132 Thiram; tolerances for residues.

A tolerance of 7 parts per million is established for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on each of the following raw agricultural commodities: Apples, bananas (of which residue not more than 1 part per million shall be in the pulp after the peel is removed and discarded), celery, peaches, strawberries, tomatoes.

§ 120.133 Lindane; tolerances for residues.

Tolerances for residues of the insecticide lindane (gamma isomer of benzene hexachloride) are established as follows:

[2] 10 parts per million in or on apples, apricots, asparagus, avocados, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, citrus fruits, collards, corn, cucumbers, eggplants, grapes, guavas, kale, kohlrabi, lettuce, mangoes, melons, mushrooms, mustard greens, nectarines, okra, onions, peaches, pears, peas, peppers, pineapples, plums (fresh prunes), pumpkins, quinces, spinach, squash, strawberries, summer squash, Swiss chard, tomatoes.

7 parts per million in or on the fat of meat from cattle, goats, horses, and sheep.

4 parts per million in or on the fat of meat from hogs.

§ 120.134 Ovex; tolerances for residues.

Tolerances for residues of the insecticide ovex (*p*-chlorophenyl-*p*-chlorobenzenesulfonate) are established as follows:

5 parts per million in or on grapefruit, lemons, oranges, tangerines.

3 parts per million in or on apples, peaches, pears, plums (fresh prunes).

§ 120.135 Aldrin; tolerances for residues.

Tolerances for residues of the insecticide aldrin in or on raw agricultural commodities are established as follows:

0.75 part per million in or on barley straw, oat straw, rice straw, rye straw, wheat straw.

0.25 part per million in or on apples, apricots, beets (garden), garden beet

tops, broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cucumbers, endive (escarole), garlic, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lettuce, limes, mustard greens, onions, oranges, parsnips, peanuts, pears, quinces, radishes, rutabagas, salsify tops, salsify root, shallots, spinach, summer squash(Swiss chard, tangerines, turnips, turnip tops.

[2] 0.1 part per million in or on asparagus, barley grain, beets (sugar) or sugar beet tops, cantaloup, celery, cherries, cranberries, eggplant, grapes, mangoes, muskmelons, nectarines, oat grain, peaches, peppers, pimentos, pineapple, plums and prunes, potatoes, pumpkins, rice grain, rye grain, strawberries, sweetpotatoes, tomatoes, watermelon, wheat grain, winter squash.

Zero in or on alfalfa, beans, black-eyed peas, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, peas, pea hay, peanut hay, popcorn, soybeans, soybean hay.

§ 120.136 Basic copper carbonate; tolerance for residues.

The tolerance for residues of the fungicide basic copper carbonate in or on pears from post-harvest use of the chemical is 3 parts per million of combined copper.

§ 120.137 Dieldrin; tolerances for residues.

Tolerances for residues of the insecticide dieldrin in or on raw agricultural commodities are established as follows:

0.75 part per million in or on barley straw, oat straw, rice straw, rye straw, wheat straw.

0.25 part per million in or on apples, bananas (of which residue zero shall be in the pulp after the peel is removed and discarded), beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, endive (escarole), grapefruit, kale, kohlrabi, lemons, lettuce, limes, mustard greens, oranges, pears, pineapple, quinces, rutabagas, salsify tops, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops.

[2] 0.1 part per million in or on apricots, asparagus, barley grain, carrots, cranberries, eggplant, grapes, horseradish, mangoes, nectarines, oat grain, onions, parsnips, peaches, peppers, pimentos, plums and prunes, potatoes, radishes, radish tops, rice grain, rye grain, salsify root, strawberries, sweetpotatoes, tomatoes, wheat grain.

Zero in or on alfalfa, beans, black-eyed peas, cantaloups, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, muskmelons, peas, pea hay, popcorn, pumpkins, soybeans, soybean hay, watermelons, winter squash.

§ 120.138 Toxaphene; tolerances for residues.

Tolerances are established for residues of the insecticide toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) in or on raw agricultural commodities as follows:

[2] 7 parts per million in or on apples, apricots, beans, blackberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, citrus fruits, collards, corn, cranberries, cucumbers, dewberries, eggplants; fat of meat from cattle, goats, hogs, horses, and sheep; hazelnuts, hickory nuts, horseradish, kale, kohlrabi, lettuce, loganberries, nectarines, okra, onions, parsnips, peaches, peanuts, pears, peas, pecans, peppers, pimentos, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas, spinach, strawberries, tomatoes, walnuts, youngberries.

5 parts per million in or on barley, oats, rice, rye, sorghum grain, wheat.

5 parts per million, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

3 parts per million in or on bananas (of which residue not more than 0.3 part per million shall be in the pulp after the peel is removed and discarded), pineapples.

§ 120.139 1,1-Dichloro-2,2-bis (*p*-ethylphenyl) ethane; tolerances for residues.

A tolerance of 15 parts per million is established for residues of the insecticide 1,1-dichloro-2,2-bis(*p*-ethylphenyl) ethane in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cherries, kohlrabi, lettuce, spinach.

§ 120.140 BHC; tolerances for residues.[1]

A tolerance of 5 parts per million is established for residues of the insecticide BHC (benzene hexachloride) in or on each of the following raw agricultural commodities: Apples, apricots, asparagus, avocados, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, citrus fruits, collards, corn, cucumbers, eggplants, grapes, guavas, kale, kohlrabi, lettuce, mangoes, melons, mustard greens, nectarines, okra, onions, peaches, pears, peas, peppers, pineapples, plums (fresh prunes), pumpkins, quinces, spinach, squash, strawberries, summer squash, Swiss chard, tomatoes.

§ 120.141 Biphenyl; tolerances for residues.

A tolerance of 110 parts per million for residues of the fungicide biphenyl (also known as diphenyl) from postharvest use is established in or on each of the following raw agricultural commodities: Citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines, other citrus fruits and hybrids thereof.

§ 120.142 2,4-D; tolerances for residues.[1]

A tolerance of 5 parts per million is established for residues of the herbicide and plant regulator 2,4-D (dichlorophenoxyacetic acid) in or on each of the following raw agricultural commodities: Apples, citrus fruits, pears, quinces.

§ 120.143 Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol; tolerances for residues.[1]

A tolerance of 1 part per million is established for residues of the insecticide dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol in or on each of the following raw agricultural commodities: Apples, apricots, beans, blackberries, boysenberries, celery, cherries, citrus fruits, dewberries, grapes, loganberries, nectarines, peaches, pears, plums (fresh prunes), quinces, raspberries, strawberries, youngberries.

§ 120.144 Dinitro-*o*-cyclohexylphenol; tolerance for residues.[1]

A tolerance of 1 part per million is established for residues of the insecticide dinitro-*o*-cyclohexyphenol in or on citrus fruits.

§ 120.145 Fluorine compounds; tolerances for residues.[1]

A tolerance of 7 parts per million of combined fluorine is established for residues of the insecticidal fluorine compounds cryolite and synthetic cryolite (sodium aluminum fluoride) in or on each of the following raw agricultural commodities: Apples, apricots, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, citrus fruits, corn, collards, cranberries, cucumbers, dewberries, eggplants, grapes, kale, kohlrabi, lettuce, loganberries, melons, mustard greens, nectarines, okra, peaches, peanuts, pears, peas, peppers, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

§ 120.146 Inorganic bromides or total combined bromide resulting from fumigation with ethylene dibromide; tolerances for residues.

Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated after harvest with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated after harvest with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture: Beans (string), bitter melons (*Mormodica charantia*), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

Tolerances of 25 parts per million are established for residues of total combined bromine (which include bromine from both inorganic and organic compounds, resulting from fumigation after harvest

[1] Tolerances established are based upon data acquired at the public hearing held in 1950 and formerly appeared in § 120.101.

[2] See footnote on p. 12102.

with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program, the Quarantine Program of the U.S. Department of Agriculture, or to meet the State quarantine requirements) in or on cherries, plums (fresh prunes).

§ 120.147 DDT; tolerances for residues.

Tolerances for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane, and 1,1,1-trichloro-2-*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

[2] 7 parts per million in or on apples, apricots, artichokes, asparagus, avocados, beans, beets (with or without tops) or beet greens alone, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, cherries, citrus fruits, collards, cranberries, cucumbers, currants, dewberries, eggplants, endive (escarole); fat of meat from cattle, goats, hogs, horses, and sheep; gooseberries, grapes, guavas, kale, kohlrabi, lettuce, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, okra, onions, papayas, parsnips (with or without tops) or parsnip greens alone, peaches, peanuts, pears, peas, peppers, pineapples, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rhubarb, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, sweetpotatoes (from postharvest use), Swiss chard, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

4 parts per million in or on cottonseed.

3.5 parts per million in or on the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed).

1 part per million in or on potatoes (determined after washing off any soil present when marketed).

§ 120.147a DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn cannery waste; statement of policy and interpretation.

(a) Section 121.101(e)(43) of this chapter, promulgated on March 11, 1955, permitted a tolerance of 7 parts per million for residues of DDT in or on the fresh vegetable sweet corn. Because of a showing of the unsuitability of the tolereance level based on sweet corn as marketed, § 120.147 of this chapter now provides a tolerance of 3.5 parts per million of DDT in or on the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed). Residue studies have indicated that the application of DDT in any manner to the feed of dairy cows or to the dairy cows themselves results in residues of DDT in milk. No tolerance has been established to permit any residues of DDT in milk. Corn forage, corn fodder, corn silage, corn stover, or sweet corn cannery waste containing any amount of DDT is unsuitable as a feed for dairy cows and should not be represented, sold, or used for that purpose.

(b) A tolerance of 7 parts per million for residues of DDT in the fat of meat from cattle, goats, hogs, horses, and sheep has been established in § 120.147. Animals that consume corn forage, corn fodder, corn silage, corn stover, or sweet corn cannery waste containing DDT may accumulate considerably more of the chemical in their fat than is present in the feed itself, and a long time may be required on a diet free of DDT to reduce excessive levels of DDT to the tolerance level. Unless the person who raises meat animals is in a position to determine the magnitude of DDT residues in these corn feed products and to insure that the conditions of feeding are such that the residues in meat from such animals will be within the established tolerance, these products from DDT-treated corn should not be used in the feeding of meat animals.

(See also § 121.226 of this chapter.)

§ 120.147b DDT residues in apple pomace.

(a) Investigations by the Food and Drug Administration show that apple pomace containing substantial amounts of DDT has been used as feed for dairy and meat animals. Section 409 of the act would render illegal any apple pomace for animal feeding that contains DDT in excess of the 7 parts per million fixed for apples by § 120.147. It has been established that the feeding of apple pomace containing DDT will contribute residues of DDT to the fat of meat animals and to milk of dairy animals.

(b) There is no tolerance for DDT in milk. Apple pomace containing DDT should not be fed to dairy animals, since it has been established that the ingestion by them of even small amounts of DDT results in contamination of the milk with this pesticide. Apple pomace containing any amount of DDT is unsuitable as a feed or an ingredient of mixed feeds for dairy animals and should not be represented, sold, or used for that purpose.

(c) There is an established legal tolerance of 7 parts per million for residues of DDT in or on the fat of meat from cattle, goats, sheep, horses, and hogs (§ 120.147). Animals that consume DDT in feed may accumulate considerably more of the chemical in their fat than is present in the feed itself, and a long time may be required on a diet free of DDT to reduce excessive residues to the tolerance level. It has not been established under what conditions of feeding, if any, apple pomace containing less than 7 parts per million of DDT can be fed to animals without causing the meat from such animals to contain residues in excess of the tolerance. Therefore, unless a grower of meat animals is in a position to establish that the DDT residue in the apple pomace and the conditions of feeding are such that the meat from such animals will be within the established tolerance, apple pomace should not be used in the feeding of meat animals.

§ 120.148 Oxytetracycline; tolerance for residues.

A tolerance of 7 parts per million is established for residues of the antibacterial agent oxytetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

(See also §§ 121.206, 121.1046, and 146.26 of this chapter.)

§ 120.149 Mineral oil; tolerances for residues.

(a) For the purposes of this section, the insecticide mineral oil is defined as the refined petroleum fraction having the following characteristics:

(1) Minimum flashpoint of 300° F.

(2) Gravity of 27 to 34 by the American Petroleum Institute standard method.

(3) Pour point of 30° F. maximum.

(4) Color 2 maximum by standards of the American Society for Testing Materials.

(5) Boiling point between 480° F. and 960° F.

(6) Viscosity at 100° F. of 100 to 200 seconds Saybolt.

(7) Unsulfonated residue of 90 percent minimum.

(8) No sulfur compounds according to the United States Pharmacopeia test under Liquid Petrolatum.

(b) Tolerances of 200 parts per million for residues of mineral oil as specified in paragraph (a) of this section are established in or on the following grains from postharvest application: Shelled corn, grain sorghum.

§ 120.150 Dalapon sodium salt; tolerances for residues.

Tolerances for residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid), in or on raw agricultural commodities, are established as follows:

75 parts per million in or on flaxseed.

35 parts per million in or on cottonseed.

30 parts per million in or on asparagus.

15 parts per million in or on peaches, peas (shelled or unshelled), peavines (with or without pods).

10 parts per million in or on potatoes.

5 parts per million in or on cranberries, grapefruit, limes, oranges, sugar beets (roots and tops), tangerines.

3 parts per million in or on apples, grapes, pears, pineapples.

2 parts per million in or on coffee.

1 part per million in or on apricots, plums.

Zero in meat and milk.

§ 120.151 Ethylene oxide; tolerances for residues.

A tolerance of 50 parts per million is established for residues of the antimicrobial agent and insecticide ethylene oxide, when used as a postharvest fumigant in or on the following raw agricultural commodities: Black walnut meats, copra, whole spices.

§ 120.152 Sodium dimethyldithiocarbamate; tolerance for residues.

A tolerance of 25 parts per million is established for residues of the fungicide sodium dimethyldithiocarbamate, calculated as zinc ethylenebisdithiocarbamate, in or on melons.

[2] See footnote on p. 12102.

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

Tolerances for residues of the insecticides *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities are established as follows:

10 parts per million in or on alfalfa, alfalfa hay, bean forage, bean hay, corn forage, grass hay, peavines, pea vine hay.

3 parts per million in or on almond hulls.

1 part per million in or on olives.

0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, broccoli, cabbage, cantaloups, carrots, cauliflower, celery, cherries, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, endive (escarole), figs, grapes, hops, kale, lemons, lettuce, lima beans, muskmelons, nectarines, onions, oranges, parsley, parsnips, peaches, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, plums (fresh prunes), radishes, spinach, strawberries, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, watermelons, winter squash.

0.75 part per million in or on the fat, meat, and meat byproducts of sheep from preslaughter application.

§ 120.154 *O,O*-Dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate; tolerances for residues.

Tolerances for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on raw agricultural commodities are established as follows:

5 parts per million in or on grapes.

2 parts per million in or on apples, apricots, artichokes, blackberries, blueberries, boysenberries, broccoli, cabbage, cauliflower, cherries, crabapples, cranberries, loganberries, nectarines, onions, peaches, pears, plums (fresh prunes), quinces, raspberries, snap beans, spinach, strawberries, tomatoes.

0.5 part per million in or on cottonseed.

§ 120.155 α-Naphthalene acetic acid; tolerances for residues.[1]

A tolerance of 1 part per million is established for residues of the plant regulator α-naphthalene acetic acid in or on each of the following raw agricultural commodities: Apples, pears, quinces.

§ 120.156 Carbophenothion; tolerances for residues.

Tolerances for residues of the insecticide carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate) in or on raw agricultural commodities are established as follows:

5 parts per million in or on sugar beets (roots), sugar beets (tops).

2 parts per million in or on almond hulls, grapefruit, lemons, limes, oranges, tangelos, tangerines.

0.8 part per million in or on apples; apricots; beans, snap (succulent form); beans, lima (succulent form); beets, garden (roots); beets, garden (tops); cantaloups; cherries; crabapples; cucumbers; eggplants; figs; grapes; nectarines; olives; onions (dry bulb); onions (green); peaches; pears; peas (succulent form); peppers; pimentos; plums (fresh prunes); quinces; soybeans (succulent form); spinach; strawberries; summer squash; tomatoes; watermelons.

0.2 part per million in or on undelinted cottonseed.

§ 120.157 1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer; tolerances for residues.

Tolerances for residues of the insecticide 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer are established in or on raw agricultural commodities as follows:

1.0 part per million in or on alfalfa, artichokes, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, clover, collards, corn forage, garden beets (including tops), kale, mustard greens, peaches, pea vines, plums, raspberries, sorghum forage, sorghum grain, spinach, strawberries, turnip tops.

0.5 part per million in or on apples, grapes, lettuce, melons (including cantaloups, honeydew melon and muskmelon, determined on the edible portion with rind removed), pears, watermelon.

0.25 part per million in or on beans, carrots, corn grain (including field corn, popcorn, sweet corn), cucumbers, eggplant, grapefruit, lemons, okra, onions (green), oranges, peas, peppers, potatoes, summer squash, tomatoes, turnips, walnuts (determined on the nut meats with shell removed).

§ 120.158 2,4-Dichloro-6-*o*-chloroanilino-*s*-triazine; tolerances of residues.

Tolerances for residues of the fungicide 2,4-dichloro-6-*o*-chloroanilino-*s*-triazine in or on raw agricultural commodities are established as follows:

10 parts per million in or on blackberries, blueberries (huckleberries), celery, cranberries, cucumbers, dewberries, green onions, loganberries, melons, pumpkins, raspberries, shallots, summer squash, strawberries, tomatoes, winter squash.

1 part per million in or on garlic, onions (dry bulb), potatoes.

§ 120.159 Sodium dehydroacetate; tolerances for residues.

Tolerances are established for residues of the fungicide sodium dehydroacetate, expressed as dehydroacetic acid, from postharvest application in or on raw agricultural commodities as follows:

65 parts per million in or on strawberries.

30 parts per million in or on bananas, of which residue not more than 10 parts per million shall be in the pulp after peel is removed and discarded.

§ 120.160 Mercaptobenzothiazole; tolerance for residues.

A tolerance of 0.1 part per million is established for residues of the fungicide mercaptobenzothiazole calculated as 2,2'-dithiobisbenzothiazole in or on apples.

§ 120.161 Manganous dimethyldithiocarbamate; tolerance for residues.

A tolerance of 7 parts per million is established for residues of the fungicide manganous dimethyldithiocarbamate, calculated as zinc ethylenebisdithiocarbamate, in or on apples.

§ 120.162 Tetraiodoethylene; tolerance for residues.

A tolerance of 15 parts per million is established for residues of the fungicide tetraiodoethylene in or on cantaloups from postharvest application.

§ 120.163 1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol; tolerances for residues.

Tolerances for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in or on raw agricultural commodities are established as follows:

30 parts per million in or on hops.

10 parts per million in or on apricots, grapefruit, kumquats, lemons, limes, nectarines, oranges, peaches, tangelos, tangerines.

5 parts per million in or on apples, beans (dry form); beans, snap (succulent form); beans, lima (succulent form); blackberries, boysenberries, bushnuts, butternuts, cantaloups, cherries, chestnuts, crabapples, cucumbers, dewberries, eggplants, figs, filberts, grapes, hazelnuts, hickory nuts, loganberries, melons, muskmelons, pears, pecans, peppers, pimentos, plums (fresh prunes), pumpkins, quinces, raspberries, summer squash, strawberries, tomatoes, walnuts, watermelons, winter squash.

0.1 part per million in or on cottonseed.

§ 120.164 Terpene polychlorinates; tolerance for residues.

A tolerance of 5 parts per million is established for residues of the insecticide terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

§ 120.165 2,4-D sodium salt; tolerance for residues.

A tolerance of 5 parts per million is established for residues of the herbicide 2,4-D sodium salt, calculated as 2,4-D (2,4-dichlorophenoxyacetic acid), in or on asparagus.

§ 120.166 Schradan; tolerance for residues.

A tolerance of 0.75 part per million is established for residues of the insecticide schradan (octamethylpyrophosphoramide) in or on English walnuts.

§ 120.167 Nicotine-containing compounds; tolerances for residues.[1]

A tolerance of 2 parts per million of nicotine is established for residues of nicotine-containing compounds used as insecticides in or on the following raw agricultural commodities: Apples, apricots, artichokes, asparagus, avocados, beans, beets (with or without tops) or beet greens alone, blackberries, boysenberries, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, citrus fruits, collards, corn, cranberries, cucumbers, currants, dewberries, eggplants, gooseberries, grapes, kale, kohlrabi, let-

[1] See footnote on p. 12105.

tuce, loganberries, melons, mushrooms, mustard greens, nectarines, okra, onions, parsley, parsnips (with or without tops) or parsnip greens alone, peaches, pears, peas, peppers, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, Swiss chard, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

§ 120.168 Chlorbenside; tolerances for residues.

A tolerance of 3.0 parts per million is established for residues of the insecticide chlorbenside (*p*-chlorobenzyl *p*-chlorophenyl sulfide), including its sulfoxide and sulfone oxidation products, calculated as *p*-chlorobenzyl *p*-chlorophenyl sulfide, in or on each of the following raw agricultural commodities: Apples, crabapples, eggplants, nectarines, peaches, pears, plums (fresh prunes), quinces.

§ 120.169 1-Naphthyl *N*-methyl carbamate; tolerances for residues.

Tolerances are established for residues of the insecticide 1-naphthyl *N*-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl *N*-methylcarbamate, in or on raw agricultural commodities as follows:

100 parts per million in or on alfalfa, alfalfa hay, bean forage, bean hay, clover, clover hay, cotton forage, cowpea forage, cowpea hay, grass, grass hay, peanut hay, rice straw, sorghum forage, soybean forage, soybean hay, sugar beet tops.

40 parts per million in or on almond hulls.

25 parts per million in or on corn fodder, corn forage.

10 parts per million in or on whole almonds (meat plus shell) and whole walnuts (meat plus shell) of which not more than 1 part per million shall be in or on the nut meats after shell is removed and discarded.

10 parts per million in or on apples, apricots, asparagus, bananas, beans, blueberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, citrus fruits, cranberries, cucumbers, eggplants, grapes, kohlrabi, lettuce, melons, nectarines, okra, olives, peaches, pears, peppers, plums (fresh prunes), pumpkins, sorghum grain, strawberries, summer squash, tomatoes, winter squash.

5 parts per million in or on corn (kernels and kernels plus cob, determined after removing husks present when marketed), cottonseed, cowpeas, peanuts, meat and fat of poultry, rice, soybeans.

5 parts per million in or on filberts (hazelnuts) of which not more than 1 part per million shall be in or on the nuts after shell is removed and discarded.

Zero in eggs.

§ 120.170 Phenothiazine; tolerances for residues.[1]

A tolerance of 7 parts per million is established for residues of the insecticide phenothiazine in or on the following raw agricultural commodities: Apples, pears, quinces.

[1] See footnote on p. 12105.

§ 120.171 2,3-*p*-Dioxanedithiol-*S*,*S*-bis (*O*,*O*-diethylphosphorodithioate); tolerances for residues.

Tolerances for residues of 2,3-*p*-dioxanedithiol-*S*,*S*-bis(*O*,*O*-diethylphosphorodithioate) in or on raw agricultural commodities incurred from the use of the insecticide composed of a mixture of approximately 70 percent of the *cis* and *trans* isomers of 2,3-*p*-dioxanedithiol-*S*,*S*-bis(*O*,*O*-diethylphosphorodithioate) and approximately 30 percent of related compounds are established as follows:

4.9 parts per million in or on apples, pears, quinces.

2.8 parts per million in or on grapefruit, lemons, limes, oranges, tangelos, tangerines.

2.1 parts per million in or on grapes.

1 part per million in or on fat of meat from cattle, goats, hogs, horses, and sheep.

Zero in milk.

§ 120.172 Dodine; tolerances for residues.

Tolerances for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on raw agricultural commodities are established as follows:

5 parts per million in or on apples, pears, sour cherries, strawberries.

Zero in meat and milk.

§ 120.173 Ethion; tolerances for residues.

Tolerances for residues of the insecticide ethion (*O*,*O*,*O*′,*O*′-tetraethyl *S*,*S*′-methylene bisphosphorodithioate) in or on raw agricultural commodities are established as follows:

5 parts per million in or on almond hulls.

2 parts per million in or on beans, citrus fruits, strawberries, tomatoes.

1 part per million in or on apples, eggplants, grapes, melons, onions, peaches, pears, peppers, pimentos, plums, prunes.

0.1 part per million in or on almonds.

Zero in meat and milk.

(See also § 121.211 of this chapter.)

§ 120.174 Tetradifon; tolerances for residues.

Tolerances are established for residues of the insecticide tetradifon (2,4,5,4′-tetrachlorodiphenyl sulfone) in or on raw agricultural commodities as follows:

100 parts per million in or on peppermint, spearmint.

30 parts per million in or on fresh hops.

6 parts per million in or on figs.

5 parts per million in or on apples, apricots, cherries, crabapples, grapes, nectarines, peaches, pears, plums (fresh prunes), quinces, strawberries.

2 parts per million in or on citrus citron, grapefruit, lemons, limes, oranges, tangelos, tangerines.

1 part per million in or on cucumbers, melons, pumpkins, tomatoes, winter squash.

Zero in meat and milk.

§ 120.175 Maleic hydrazide; tolerances for residues.

Tolerances for residues of the herbicide and plant regulator maleic hydrazide (1,2-dihydro-3,6-pyridazinedione) in or on raw agricultural commodities are established as follows:

50 parts per million in or on potatoes.

15 parts per million in or on onions (dry bulb).

§ 120.176 [Reserved]

§ 120.177 Ronnel; tolerances for residues.

Tolerances for residues of the insecticide ronnel (*O*,*O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in or on raw agricultural commodities are established as follows:

0.5 part per million on bananas (of which residue, zero shall be in the pulp after peel is removed and discarded).

Zero in or on the uncooked meat and meat byproducts from cattle.

(See also §§ 121.209 and 121.1078.)

§ 120.178 Ethoxyquin; tolerances for residues.

A tolerance of 3 parts per million is established for residues of the plant regulator ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) from preharvest or postharvest use in or on apples and pears.

(See also §§ 121.201, 121.202, and 121.1001 of this chapter.)

§ 120.179 Tartar emetic; tolerances for residues.[1]

A tolerance of 3.5 parts per million is established for residues of the insecticide tartar emetic, calculated as combined antimony trioxide, in or on each of the following raw agricultural commodities: Citrus fruit, grapes, onions.

§ 120.180 [Reserved]

§ 120.181 CIPC; tolerance for residues.

A tolerance of 50 parts per million is established for residues of the plant regulator CIPC (isopropyl *N*(3-chlorophenyl) carbamate) in or on potatoes from postharvest application.

§ 120.182 Endosulfan; tolerances for residues.

Tolerances are established for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a - hexahydro-6, 9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples, apricots, artichokes, broccoli, cabbage, cherries, cucumbers, eggplants, grapes, head lettuce, melons, nectarines, peaches, pears, peppers, plums, prunes, pumpkins, strawberries, summer squash, tomatoes, watercress, winter squash.

Zero in meat and milk.

§ 120.183 *O*,*O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate; tolerances for residues.

Tolerances for residues of the insecticide *O*,*O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in or on raw agricultural commodities are established as follows:

12 parts per million in or on alfalfa hay.

5 parts per million in or on alfalfa (fresh), barley (green fodder and straw), bean vines, oats (green fodder and straw), peanut hay, pea vines, pineapple foliage, rice straw.

5 parts per million in or on wheat (green fodder and straw) from application at planting time in the fall.

2 parts per million in or on sugar beet tops.

0.75 part per million in or on barley grain, beans (dry), beans (lima), beans (snap), broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peanuts, peas, pineapples, potatoes, rice, spinach, tomatoes.

0.5 part per million in or on sugar beets.

0.3 part per million in or on wheat grain from application at planting time in the fall.

(See also § 121.215 of this chapter.)

§ 120.184 [Reserved]

§ 120.185 [Reserved]

§ 120.186 Tributylphosphorotrithioite; tolerance for residues.

A tolerance of 0.25 part per million is established for residues of the defoliant tributylphosphorotrithioite in or on cottonseed.

§ 120.187 TDE (or DDD); tolerances for residues.[1]

A tolerance of 7 parts per million is established for residues of the insecticide TDE (1,1-dichloro-2,2-bis(parachlorophenyl)ethane in or on each of the following raw agricultural commodities: Apples, apricots, beans, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, cherries, citrus fruits, corn, cucumbers, dewberries, eggplants, grapes, kohlrabi, lettuce, loganberries, melons, nectarines, peaches, pears, peas, peppers, plums (fresh prunes), pumpkins, quinces, radishes (with or without tops) or radish tops, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, Swiss chard, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

§ 120.188 [Reserved]

§ 120.189 *O,O*-Diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate; tolerances for residues.

Tolerances are established for residues of the insecticide *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on raw agricultural commodities as follows:

1 part per million in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

Zero in eggs, milk.

§ 120.190 Diphenylamine; tolerances for residues.

Tolerances for residues of the fungicide diphenylamine are established as follows:

10 parts per million in or on apples from preharvest or postharvest use, including use of impregnated wraps, for scald control.

Zero in milk and meat.

[1] See footnote on p. 12105.

§ 120.191 Folpet; tolerances for residues.

A tolerance of 50 parts per million is established for residues of the fungicide folpet (*N*-(trichloromethylthio) phtalimide) in or on each of the following raw agricultural commodities: Apples, avocados, blackberries, blueberries, boysenberries, celery, cherries, citrus fruits, crabapples, cranberries, cucumbers, currants, dewberries, garlic, gooseberries, grapes, huckleberries, leeks, lettuce, loganberries, melons, onions, pumpkins, raspberries, shallots, strawberries, summer squash, tomatoes, winter squash.

§ 120.192 Calcium arsenate; tolerances for residues.[1]

A tolerance of 3.5 parts per million of combined As_2O_3 is established for residues of the insecticide calcium arsenate in or on each of the following raw agricultural commodities: Asparagus, beans, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, celery, collards, corn, cucumbers, dewberries, eggplants, kale, kohlrabi, loganberries, melons, peppers, pumpkins, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, youngberries.

§ 120.193 Copper arsenate; tolerances for residues.[1]

A tolerance of 3.5 parts per million of combined As_2O_3 is established for residues of the insecticide and fungicide copper arsenate in or on each of the following raw agricultural commodities: Brussels sprouts, cabbage, carrots (with or without tops) or carrot tops, cauliflower, kohlrabi, tomatoes.

§ 120.194 Lead arsenate; tolerances for residues.[1]

Tolerances for residues of lead arsenate (primarily an insecticide) in or on raw agricultural commodities are established as follows:

7 parts per million of combined lead in or on apples, apricots, asparagus, avocados, blackberries, blueberries (huckleberries), boysenberries, celery, cherries, cranberries, currants, dewberries, eggplants, gooseberries, grapes, loganberries, mangoes, nectarines, peaches, pears, peppers, plums (fresh prunes), quinces, raspberries, strawberries, tomatoes, youngberries.

1 part per million of combined lead in or on citrus fruits.

§ 120.195 Magnesium arsenate; tolerance for residues.[1]

A tolerance of 3.5 parts per million of combined As_2O_3 is established for residues of the insecticide magnesium arsenate in or on the raw agricultural commodity beans.

§ 120.196 Sodium arsenate; tolerance for residues.[1]

A tolerance of 3.5 parts per million of combined As_2O_3 is established for residues of the insecticide sodium arsenate in or on the raw agricultural commodity grapes.

Subpart D—Exemptions From Tolerances

§ 120.1001 Exemptions from the requirement of a tolerance.

(a) An exemption from a tolerance shall be granted when it appears that the total quantity of the pesticide chemical in or on all raw agricultural commodities for which it is useful under conditions of use currently prevailing or proposed will involve no hazard to the public health.

(b) When applied to growing crops, in accordance with good agricultural practice, the following pesticide chemicals are exempt from the requirement of a tolerance:

(1) The following copper compounds: Bordeaux mixture, copper abietate, copper acetate, basic copper carbonate (malachite), copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper sulfate pentahydrate, copper-zinc chromate, cupric oxide, cuprous oxide, tetra copper calcium oxychloride. These copper compounds are used primarily as fungicides.

(2) (N-Octylbicyclo-(2,2,1)-5-heptene-2,3-dicarboximide).

(3) Petroleum oils.

(4) Piperonyl butoxide.

(5) Piperonyl cyclonene.

(6) *N*-Propyl isome.

(7) Pyrethrum and pyrethrins.

(8) Rotenone or derris or cube roots.

(9) Ryania.

(10) Sabadilla.

These pesticides are not exempted from the requirement of a tolerance when applied to a crop at the time of or after harvest.

(c) Residues of the following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest:

Inert ingredients	Limits	Uses
Acetic acid		Catalyst.
Acetone		Solvent, cosolvent.
Ammonium bicarbonate.		Surfactant, suspending agent, dispersing agent.
Ammonium hydroxide.		Solvent, cosolvent, neutralizer, solubilizing agent.
Ammonium stearate.		Surfactant.
Amyl acetate		Solvent, cosolvent, attractant.
Animal glue		Surfactant, adhesive.
Apple pomace		Solid diluent, carrier.
Attapulgite-type clay.		Solid diluent, carrier, thickener.
Benzoic acid		Preservative for formulation.
Calcareous shale		Solid diluent, carrier.
Calcite		Do.
Calcium carbonate		Do.
Calcium silicate		Do.
Calcium stearate		Do.
Casein		Surfactant, emulsifier, wetting agent.
Citric acid		Sequestrant.
Cocoa shells		Solid diluent, carrier.
Coconut oil		Surfactant, emulsifier, wetting agent.
Coffee grounds		Solid diluent, carrier.
Corn cobs		Do.
Cornstarch		Do.

Inert ingredients	Limits	Uses
Cottonseed oil		Safener.
Dextrin		Surfactant, suspending agent, dispersing agent.
Dextrose		Solid diluent, carrier.
Diatomite (diatomaceous earth).		Do.
Disodium phosphate.		Anticaking agent, conditioning agent.
Dolomite		Solid diluent, carrier.
Ethyl acetate		Solvent, cosolvent.
Ethylenediaminetetraacetic acid.	3% of pesticide formulation.	Sequestrant.
Ethylenediaminetetraacetic acid, tetrasodium salt.	5% of pesticide formulation.	Do.
Glycerol		Solvent, cosolvent.
Granite		Solid diluent, carrier.
Gum arabic (acacia)		Surfactant, suspending agent, dispersing agent.
Gypsum		Solid diluent, carrier.
Hydrochloric acid		Solvent, neutralizer.
Kaolinite-type clay		Solid diluent, carrier.
Magnesium carbonate.		Anticaking agent, conditioning agent.
Magnesium chloride.		Safener.
Magnesium lime		Solid diluent, carrier.
Magnesium silicate		Do.
Magnesium sulfate		Solid diluent, carrier, safener.
Methyl chloride		Propellant.
Mica		Solid diluent, carrier.
Molasses		Attractant.
Montmorillonite-type clay.		Solid diluent, carrier.
Orange pomace		Do.
Peanut shells		Do.
Pyrophyllite		Do.
Rice bran		Do.
Soap (sodium or potassium salts of fatty acids).		Surfactant, emulsifier, wetting agent.
Sodium acetate		Buffer.
Sodium acid pyrophosphate.		Surfactant, suspending agent, dispersing agent, buffer.
Sodium hexametaphosphate.		Surfactant, emulsifier, wetting agent, suspending agent, dispersing agent, buffer.
Sodium propionate		Preservative for formulation.
Sodium silicate		Surfactant, emulsifier, wetting agent, stabilizer, inhibitor.
Sodium sulfate		Solid diluent, carrier.
Sodium tripolyphosphate.		Buffer, surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Sorbitol		Antidusting agent.
Soybean flour		Surfactant.
Sucrose		Solid diluent, carrier, safener.
Talc		Solid diluent, carrier.
Tetrasodium pyrophosphate.		Anticaking agent, conditioning agent.
Tricalcium phosphate.		Surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Trisodium phosphate.		Surfactant, emulsifier, wetting agent.
Urea		Stabilizer, inhibitor.
Vermiculite		Solid diluent, carrier.
Walnut shells		Do.
Wheat bran		Do.
Zeolite (hydrated alkali aluminum silicate).		Do.
Benzene		Solvent, cosolvent.
n-Butyl alcohol		Do.
Cyclohexane		Do.
Cyclohexanone		Do.
Dioxane		Do.
Ethylene dichloride (1,2-dichloroethane).		Do.
Formaldehyde	Not more than 1% of pesticide formulation.	Preservative for formulation.
Hexane (including isomeric hexanes).		Solvent, cosolvent.
Isopropyl alcohol		Solvent, cosolvent, stabilizer, inhibitor.
Methyl alcohol		Solvent, cosolvent.
Methyl ethyl ketone.		Do.
Methyl isobutyl ketone.		Do.
Methylene chloride (dichloromethane).		Do.
Paraformaldehyde	Not more than 1% of pesticide formulation as formaldehyde.	Preservative for formulation.
Toluene		Solvent, cosolvent.

(d) The following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops only:

§ 120.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.

The insecticide allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, radishes, rutabagas, turnips.

§ 120.1003 Ammonia; exemption from the requirement of a tolerance.

The fungicide ammonia is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodities grapefruit, lemons, and oranges.

§ 120.1004 Carbon disulfide; exemption from the requirement of a tolerance.

The insecticide carbon disulfide is exempted from the requirement of a tolerance for residues, when used as a fumigant after harvest for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1005 Carbon tetrachloride; exemption from the requirement of a tolerance.

The insecticide carbon tetrachloride is exempted from the requirement of a tolerance for residues, when used as a fumigant after harvest for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1006 Organic bromide residues from ethylene dibromide; exemption from the requirement of a tolerance.

The organic bromide residues are exempted from the requirement of a tolerance for residues when the insecticide ethylene dibromide is used as a fumigant after harvest for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1007 Ethylene dichloride; exemption from the requirement of a tolerance.

The insecticide ethylene dichloride is exempted from the requirement of a tolerance for residues, when used as a fumigant after harvest for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1008 Chloropicrin; exemption from the requirement of a tolerance.

The insecticide chloropicrin is exempted from the requirement of a tolerance for residues when used as a fumigant after harvest for the following grains: Barley, buckwheat, corn (including popcorn), oats, rice, rye, grain sorghum, wheat.

§ 120.1009 Chloroform; exemption from the requirement of a tolerance.

The insecticide chloroform is exempted from the requirement of a tolerance for residues, when used as a fumigant after harvest for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1010 Methylene chloride; exemption from the requirement of a tolerance.

The insecticide methylene chloride is exempted from the requirement of a tolerance for residues when used as a fumigant after harvest for the following grains:

Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

When used in the postharvest fumigation of citrus fruits.

§ 120.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of *Bacillus thuringiensis* Berliner conforming to the morphological and biochemical characteristics of *Bacillus thuringiensis* as described in Bergey's Manual of Determinative Bacteriology, Seventh Edition.

(2) Spore preparations of *Bacillus thuringiensis* Berliner shall be produced by pure culture fermentation procedures with adequate control measures during production to detect any changes from the characteristics of the parent strain or contamination by other microorganisms.

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection

of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection or injury in the test animals when observed for 7 days following injection.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis* Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, bananas, beans, broccoli, cabbage, cauliflower, celery, cottonseed, lettuce, melons, potatoes, spinach, tomatoes.

§ 120.1012 1,1,1-Trichlorethane; exemption from the requirement of a tolerance.

The fungicide 1,1,1-trichloroethane is exempted from the requirement of a tolerance for residues when used in the postharvest fumigation of citrus fruits.

§ 120.1013 Sulfur dioxide from use in fumigants for stored grains; exemption from the requirement of a tolerance.

Residues from the use of sulfur dioxide in liquid grain-fumigant formulations for marker or fire-retardant purposes at levels not exceeding 5 percent by weight of such formulations are exempted from the requirement of a tolerance in or on barley, buckwheat, corn, oats, popcorn, rice, rye, grain sorghum (milo), wheat.

§ 120.1014 Pentane; exemption from the requirement of a tolerance.

Pentane is exempted from the requirement of a tolerance for residues when used in accordance with good commercial practice as an adjuvant in liquid grain fumigants for the fumigation of the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.1015 Sodium propionate; exemption from the requirement of a tolerance.

Sodium propionate is exempted from the requirement of a tolerance for residues when used as follows:

As a fungicide in the production of garlic.

For postharvest application as a preservative on salad greens and vegetables intended for consumption as salads.

§ 120.1016 Ethylene; exemption from the requirement of a tolerance.

Ethylene is exempted from the requirement of a tolerance for residues when used as a plant regulator on fruit and vegetable crops in conformity with good agricultural practice, before or after harvest.

§ 120.1017 Diatomaceous earth; exemption from the requirement of a tolerance.

Diatomaceous earth is exempted from the requirement of a tolerance for residues when used against insect pests in accordance with good agricultural practice on the following stored grains: Barley, buckwheat, corn, oats, rice, rye, sorghum (milo), wheat.

Dated: November 26, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

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